

**ARTICLE 11****ZONE DISTRICT REGULATIONS****§ 11.01. ZONE DISTRICTS.**

- A. **Districts enumerated.** [Amended 09-29-09 by Ord. No. 1946] For the purposes of this ordinance, the Town of Westfield is hereby divided into twenty-six (26) zone districts, as shown on the Zoning Map, and identified as follows:

RS-40 Single Family Residence District  
RS-24 Single Family Residence District  
RS-16 Single Family Residence District  
RS-12 Single Family Residence District  
RS-10 Single Family Residence District  
RS-8 Single Family Residence District  
RS-6 Single Family Residence District

RM-12 Single Family and Two Family Residence District  
RM-8 Single Family and Two Family Residence District  
RM-6 Single Family and Two Family Residence District  
RM-6D Single Family, Two Family and Duplex Residence District

RA-1 Housing for Elderly Residence District  
RA-2 Garden Apartment Residence District  
RA-3 Garden Apartment Residence District  
RA-4 Senior Citizens Housing Residence District  
RA-5A Multi-family Residence District  
RA-5B Multi-family Residence District

P-1 Professional Office District  
P-2 Professional Office District  
O-1 Office District  
O-2 Office District

CBD Central Business District  
GB-1 General Business District  
GB-2 General Business District  
GB-3 General Business District  
C Commercial District

- B. **Application of regulations.** The zoning regulations in this article are intended to be uniform throughout each zoning district for each class or kind of buildings or other structures or uses of land. In case of conflicting regulations in this article, determination of the applicable regulation shall lie with the Zoning Board of Adjustment.

**§ 11.02. SCHEDULE AND MAP.**

- A. **Zoning map.** The Zoning Map of the Town of Westfield, as prepared by Robert Catlin and Associates and dated July 1998, is hereby declared to be a part of this Ordinance. [Amended 7-01-03 by Ord. No. 2086; 7-01-03 by Ord. No. 2087; 6-06-06 by Ord. No. 1867, 8-04-09 by Ord. No 1939]
- B. **Zone district boundary lines.** [Amended 8-03-04 by Ord. No. 1839]  
The zone district boundary lines shown on the Zoning Map are intended to follow property lines existing at the date of the adoption of the map, the center line of street right-of-ways, the center line of railroad tracks and municipal boundary lines, as applicable. In case of uncertainty or disagreement as to the precise location of any zone district boundary line, the determination thereof shall lie with the Zoning Board of Adjustment. In the case of a lot that is split by a zone district boundary line, and the zone districts on the lot have different requirements, application of the requirements shall be as follows, unless the provisions of this chapter specifically indicate otherwise:
1. The use shall comply with the required use standards for the zone district within which the use is located.
  2. The lot shall be required to comply with the most restrictive of the minimum lot area, minimum lot width, minimum average lot width, minimum lot frontage, and minimum lot depth standards of the various zone districts on the lot.
  3. The yard setbacks shall be required to comply with the required dimensions for such setbacks of the zone district within which the yard is located; thus, each portion of a building that is split by a zone boundary would be subject to the setback standards of the zone within which that portion of the building is located. In the event that it is not possible to measure the yard depth without crossing a zone district boundary, the most restrictive setback standard of the various zones shall apply, but only to those locations where the measurement would cross the zone boundary.
  4. The height of structures shall comply with the height requirements for the zone district within which such structures are located. In the case of a structure that is split by a zone district boundary, the most restrictive height standard shall apply.
  5. The number of parking spaces required based upon floor area shall comply with the standard applicable to the zone within which the building is located. In the case of a building that is split by a zone boundary, the parking

standard in each zone shall apply to that portion of the building floor area located in such zone.

6. The coverage by above-grade structures, the coverage by improvements, floor area ratio and density shall be required to comply with the standard for the zone in which the structures and improvements are located, calculated using the entire lot area. In the case of a building or buildings or improvements located partially in more than one zone district, a pro rata standard shall apply to the entire lot, using the following formula:
  - a. Calculate that percentage of the total coverage, floor area or number of dwelling units on the lot, as applicable, proposed in each zone.
  - b. Multiply the percentages resulting from the calculation in [1] above for each zone times the applicable standard for coverage, floor area ratio or density, of the same zone.
  - c. Add the results from the calculations in [2] above to determine the applicable standard.

As an example, consider a development located on a lot split by a zone boundary. Zone A permits 25% improvement coverage and zone B permits 20% coverage. The development proposes 3,000 square feet of coverage in zone A and 2,000 square feet of coverage in zone B, for a total of 5,000 square feet of coverage. The permitted coverage for the above-grade structures would be 23% of the total lot area, calculated as follows:

- $3,000 \text{ sq. ft. coverage proposed in zone A} \div 5,000 \text{ sq. ft. total proposed coverage} = 60\%$  of total coverage proposed in zone A.  $2,000 \text{ sq. ft. coverage proposed in zone B} \div 5,000 \text{ sq. ft. total proposed coverage} = 40\%$  of total coverage proposed in zone B.
- $60\%$  of total coverage proposed in zone A  $\times$  25% coverage permitted in zone A = 15%.  $40\%$  of total coverage proposed in zone B  $\times$  20% coverage permitted in zone B = 8%.
- $15\% + 8\% = 23\%$  of total lot area permitted to be covered by improvements.

One can see by the above example that if 100% of the coverage were proposed on that portion of the lot in Zone A, then 25% coverage would be permitted, whereas if 100% of the coverage were proposed on that portion of the lot in Zone B, then 20% coverage would be permitted. Any other

situation would result in a permitted coverage somewhere between 20% and 25%.

- C. **Schedule of requirements. [Amended 09-29-09 by Ord. No. 1946]** The schedule entitled "SUMMARY OF ZONING STANDARDS" is hereby declared to be a part of this ordinance. The schedule is a generalized summary of the use, bulk, lot, density and intensity regulations established for each zone district. The regulations established for each zone district in the text of this ordinance provide greater detail than the schedule and take precedence over the standards in the schedule. The schedule is not intended to present a comprehensive list of all applicable zoning regulations.

**§ 11.03. RS-40 SINGLE FAMILY RESIDENCE DISTRICT.**

- A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RS-40 zone district:
1. single-family residential uses in detached single-family residential structures;
  2. public parks and playgrounds;
  3. public and private golf courses with a lot area of at least one hundred (100) acres; and,
  4. community residences and shelters.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RS-40 zone district:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. home occupations as regulated in Article 14;
  4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
  5. antennas, as regulated in § 13.04; and,
  6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RS-40 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. residential cluster development;
  2. limited childcare homes;
  3. houses of worship;
  4. public and private non-profit schools;
  5. Board of Education administrative offices;
  6. non-profit chartered membership organizations;

7. residential-type public utility facilities; and,
  8. uses in the flood plain which are also permitted principal, accessory or conditional uses in the RS-40 zone district.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.
- E. **Bulk and lot regulations for conventional development. [Amended 09-29-09 by Ord. No. 1946]** The following bulk and lot regulations shall apply to conventional development within the RS-40 zone district:
1. Minimum lot area. Every lot shall contain a minimum lot area of forty thousand (40,000) square feet.
  2. Minimum lot width. There shall be a minimum lot width of one hundred and seventy-five (175) feet, provided, however that the minimum lot width of corner lots shall be one hundred and eighty-five (185) feet. In addition, the minimum average width of the lot shall be such that there is a minimum lot area of at least forty thousand (40,000) square feet within two hundred and sixty-seven (267) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least forty thousand (40,000) square feet within two hundred and fifty (250) feet of the front lot line.
  3. Minimum lot frontage. There shall be a minimum lot frontage of one hundred and fifty (150) feet for all lots, provided, however that the minimum lot frontage of corner lots shall be one hundred and sixty (160) feet.
  4. Minimum lot depth. There shall be a minimum lot depth of two hundred (200) feet for all lots.
  5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of sixty (60) feet.  
  
For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than thirty (30) feet.
  6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than twenty (20) feet.

7. Minimum rear yard. There shall be a rear yard of at least sixty (60) feet.
  8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-five (35) feet in height.
  9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
  10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
  11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
  12. Maximum Eave Height. The maximum eave height shall be 22 feet.
  13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
  14. Minimum Garage Space. Each dwelling shall have at a minimum a 2-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.
- F. **Other regulations. [Amended 09-29-09 by Ord. No. 1946]** In addition to the above requirements, any development in the RS-40 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:
1. the general provisions of Article 12;
  2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
  3. the off-street parking provisions of Article 17.

**§ 11.04. RS-24 SINGLE FAMILY RESIDENCE DISTRICT.**

- A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RS-24 zone district:
1. single-family residential uses in detached single-family residential structures;
  2. public parks and playgrounds; and,
  3. community residences and shelters.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RS-24 zone district:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. home occupations as regulated in Article 14;
  4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
  5. antennas, as regulated in § 13.04; and,
  6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RS-24 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. limited childcare homes;
  2. houses of worship;
  3. public and private non-profit schools;
  4. Board of Education administrative offices;
  5. non-profit chartered membership organizations;
  6. residential-type public utility facilities; and,
  7. uses in the flood plain which are also permitted principal, accessory or conditional uses in the RS-24 zone district.



D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.

E. **Bulk and lot regulations.** [Amended 09-29-09 by Ord. No. 1946] The following bulk and lot regulations shall apply to all development within the RS-24 zone district:

1. Minimum lot area. Every lot shall contain a minimum lot area of twenty-four thousand (24,000) square feet.
2. Minimum lot width. There shall be a minimum lot width of one hundred and twenty (120) feet, provided, however that the minimum lot width of corner lots shall be one hundred and thirty (130) feet. In addition, the minimum average width of the lot shall be such that there is a minimum lot area of at least twenty-four thousand (24,000) square feet within two hundred (200) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least twenty-four thousand (24,000) square feet within one hundred and eighty-five (185) feet of the front lot line.
3. Minimum lot frontage. There shall be a minimum lot frontage of one hundred and twenty (120) feet for all lots, provided, however that the minimum lot frontage of corner lots shall be one hundred and thirty (130) feet.
4. Minimum lot depth. There shall be a minimum lot depth of one hundred and sixty (160) feet for all lots.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of fifty (50) feet.

For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty-five (25) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than fifteen (15) feet.
7. Minimum rear yard. There shall be a rear yard of at least fifty (50) feet.
8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-three and one-half (33.5) feet in height.

9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Maximum Eave Height. The maximum eave height shall be 22 feet.
13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
14. Minimum Garage Space. Each dwelling shall have at a minimum a 2-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.

**§ 11.05. RS-16 SINGLE FAMILY RESIDENCE DISTRICT.**

A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RS-16 zone district:

1. single-family residential uses in detached single-family residential structures;
2. public parks and playgrounds; and,
3. community residences and shelters.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RS-16 zone:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. home occupations as regulated in Article 14;
4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
5. antennas, as regulated in § 13.04; and,
6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RS-16 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. assisted living facilities;
2. limited childcare homes;
3. houses of worship;
4. public and private non-profit schools;
5. Board of Education administrative offices;
6. non-profit chartered membership organizations;
7. residential type public utility facilities; and,
8. uses in the flood plain which are also permitted principal, accessory or conditional uses in the RS-16 zone district.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.

E. **Bulk and lot regulations. [Amended 09-29-09 by Ord. No. 1946]** The following bulk and lot regulations shall apply to all development within the RS-16 zone district:

1. Minimum lot area. Every lot shall contain a minimum lot area of sixteen thousand (16,000) square feet.
2. Minimum lot width. There shall be a minimum lot width of ninety (90) feet, provided, however that the minimum lot width of corner lots shall be ninety-five (95) feet. In addition, the minimum average width of the lot shall be such that there is a minimum lot area of at least sixteen thousand (16,000) square feet within one hundred and seventy-eight (178) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least sixteen thousand (16,000) square feet within one hundred and sixty-nine (169) feet of the front lot line.
3. Minimum lot frontage. There shall be a minimum lot frontage of ninety (90) feet for all lots, provided, however that the minimum lot frontage of corner lots shall be ninety-five (95) feet.
4. Minimum lot depth. There shall be a minimum lot depth of one hundred and forty (140) feet for all lots.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of forty (40) feet.

For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than fifteen (15) feet.
7. Minimum rear yard. There shall be a rear yard of at least forty (40) feet.
8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-three and one-half (33.5) feet in height.

9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Maximum Eave Height. The maximum eave height shall be 22 feet.
13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
14. Minimum Garage Space. Each dwelling shall have at a minimum a 2-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.

F. **Supplemental regulations for assisted living facilities.** In addition to all other applicable requirements of this ordinance, the following regulations shall apply to assisted living facilities and shall supersede other requirements of this ordinance only in case of conflict. The following regulations shall not be construed to be conditional use requirements:

1. Minimum yards. There shall be a front, side and rear yards each not less than one hundred (100) feet.
2. Maximum building height. No principal building shall exceed thirty-eight (38) feet in height.
3. Maximum coverage by buildings and above-grade structures. No more than fifteen percent (15%) of the area of any lot shall be covered by buildings and above-grade structures; provided, however, that such coverage may be increased to seventeen percent (17%) when at least two percent (2%) of such coverage of the lot is by a deck or decks.

Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.

4. Maximum coverage by improvements. No more than thirty percent (30%) of the area of any lot shall be covered by

physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that each lot shall have at least seventy percent (70%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.

5. Minimum buffer area. There shall be provided parallel to all property lines a buffer at least fifty (50) feet in depth, measured perpendicular to the lot line. Within such buffer area, there shall be no buildings, parking or delivery areas or other improvements except for grading, landscaping, fencing or walls, underground utilities and only those driveways, sidewalks and related improvements necessary to provide access to the site. Detention basins are permitted within such buffer area, provided that the top of any slope or retaining wall for such basins shall be set back at least fifteen (15) feet from any property line in a residential zone district.

G. **Other regulations.** In addition to the above requirements, any development in the RS-16 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
3. the off-street parking provisions of Article 17.

**§ 11.06. RS-12 SINGLE FAMILY RESIDENCE DISTRICT.**

- A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RS-12 zone district:
1. single-family residential uses in detached single-family residential structures;
  2. public parks and playgrounds; and,
  3. community residences and shelters.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RS-12 zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. home occupations as regulated in Article 14;
  4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
  5. antennas, as regulated in § 13.04; and,
  6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RS-12 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. limited childcare homes;
  2. houses of worship;
  3. public and private non-profit schools;
  4. Board of Education administrative offices;
  5. non-profit chartered membership organizations;
  6. residential-type public utility facilities; and,
  7. uses in the flood plain which are also permitted principal, accessory or conditional uses in the RS-12 zone district.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.

E. **Bulk and lot regulations.** [Amended 09-29-09 by Ord. No. 1946] The following bulk and lot regulations shall apply to all development within the RS-12 zone district:

1. Minimum lot area. Every lot shall contain a minimum lot area of twelve thousand (12,000) square feet.
2. Minimum lot width. There shall be a minimum lot width of seventy-five (75) feet, provided, however that the minimum lot width of corner lots shall be eighty (80) feet. In addition, the minimum average width of the lot shall be such that there is a minimum lot area of at least twelve thousand (12,000) square feet within one hundred and sixty (160) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least twelve thousand (12,000) square feet within one hundred and fifty (150) feet of the front lot line.
3. Minimum lot frontage. There shall be a minimum lot frontage of seventy-five (75) feet for all lots, provided, however that the minimum lot frontage of corner lots shall be eighty (80) feet.
4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of forty (40) feet.

For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than twelve and one-half (12 1/2) feet.
7. Minimum rear yard. There shall be a rear yard of at least thirty-five (35) feet.
8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-two and three quarters (32.75) feet in height.



9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
  10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
  11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
  12. Maximum Eave Height. The maximum eave height shall be 22 feet.
  13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
  14. Minimum Garage Space. Each dwelling shall have at a minimum a 2-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.
- F. **Other regulations.** In addition to the above requirements, any development in the RS-12 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:
1. the general provisions of Article 12;
  2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
  3. the off-street parking provisions of Article 17.

**§ 11.07. RS-10 SINGLE FAMILY RESIDENCE DISTRICT.**

A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RS-10 zone district:

1. single-family residential uses in detached single-family residential structures;
2. public parks and playgrounds; and,
3. community residences and shelters.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RS-10 zone:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. home occupations as regulated in Article 14;
4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
5. antennas, as regulated in § 13.04; and,
6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RS-10 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. limited childcare homes;
2. houses of worship;
3. public and private non-profit schools;
4. Board of Education administrative offices;
5. non-profit chartered membership organizations;
6. residential-type public utility facilities; and,
7. uses in the flood plain which are also permitted principal, accessory or conditional uses in the RS-10 zone district.

- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.
- E. **Bulk and lot regulations. [Amended 09-29-09 by Ord. No. 1946]** The following bulk and lot regulations shall apply to all development within the RS-10 zone district:
1. Minimum lot area. Every lot shall contain a minimum lot area of ten thousand (10,000) square feet.
  2. Minimum lot width. There shall be a minimum lot width of seventy (70) feet, provided, however that the minimum lot width of corner lots shall be eighty (80) feet. In addition, the minimum average width of the lot shall be such that there is a minimum lot area of at least ten thousand (10,000) square feet within one hundred and forty-three (143) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least ten thousand (10,000) square feet within one hundred and twenty-five (125) feet of the front lot line.
  3. Minimum lot frontage. There shall be a minimum lot frontage of seventy (70) feet for all lots, provided, however that the minimum lot frontage of corner lots shall be eighty (80) feet.
  4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.
  5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of forty (40) feet.  
  
For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty (20) feet.
  6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than ten (10) feet.
  7. Minimum rear yard. There shall be a rear yard of at least thirty-five (35) feet.
  8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-two (32) feet in height.

9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Maximum Eave Height. The maximum eave height shall be 22 feet.
13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
14. Minimum Garage Space. Each dwelling shall have at a minimum a 1-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.

F. **Other regulations.** In addition to the above requirements, any development in the RS-10 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
3. the off-street parking provisions of Article 17.

**§ 11.08. RS-8 SINGLE FAMILY RESIDENCE DISTRICT.**

A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RS-8 zone district:

1. single-family residential uses in detached single-family residential structures;
2. public parks and playgrounds; and,
3. community residences and shelters.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RS-8 zone:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. home occupations as regulated in Article 14;
4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
5. antennas, as regulated in § 13.04; and,
6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RS-8 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. limited childcare homes;
2. houses of worship;
3. public and private non-profit schools;
4. Board of Education administrative offices;
5. non-profit chartered membership organizations;
6. residential-type public utility facilities; and,
7. uses in the flood plain which are also permitted principal, accessory or conditional uses in the RS-8 zone district.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.

E. **Bulk and lot regulations. [Amended 09-29-09 by Ord. No. 1946]** The following bulk and lot regulations shall apply to all development within the RS-8 zone district:

1. Minimum lot area. Every lot shall contain a minimum lot area of eight thousand (8,000) square feet, provided, however that the minimum lot area of corner lots shall be eight thousand four hundred (8,400) square feet.
2. Minimum lot width. There shall be a minimum lot width of sixty (60) feet, provided, however that the minimum lot width of corner lots shall be seventy (70) feet. In addition, the minimum average width of the lot shall be such that there is a minimum lot area of at least eight thousand (8,000) square feet within one hundred and thirty-four (134) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least eight thousand four hundred (8,400) square feet within one hundred and twenty (120) feet of the front lot line.
3. Minimum lot frontage. There shall be a minimum lot frontage of sixty (60) feet for all lots, provided, however that the minimum lot frontage of corner lots shall be seventy (70) feet.
4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of forty (40) feet.

For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than ten (10) feet.
7. Minimum rear yard. There shall be a rear yard of at least thirty-five (35) feet.
8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive

of basement, but not more than thirty-two (32) feet in height.

9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Maximum Eave Height. The maximum eave height shall be 22 feet.
13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
14. Minimum Garage Space. Each dwelling shall have at a minimum a 1-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.

F. **Other regulations.** In addition to the above requirements, any development in the RS-8 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
3. the off-street parking provisions of Article 17.

**§ 11.09. RS-6 SINGLE FAMILY RESIDENCE DISTRICT.**

- A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RS-6 zone district:
1. single-family residential uses in detached single-family residential structures;
  2. public parks and playgrounds; and,
  3. community residences and shelters.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RS-6 zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. home occupations as regulated in Article 14;
  4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
  5. antennas, as regulated in § 13.04; and,
  6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RS-6 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. limited childcare homes;
  2. houses of worship;
  3. public and private non-profit schools;
  4. Board of Education administrative offices;
  5. non-profit chartered membership organizations;
  6. residential-type public utility facilities; and,
  7. uses in the flood plain which are also permitted principal, accessory or conditional uses in the RS-6 zone district.



- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.
- E. **Bulk and lot regulations. [Amended 09-29-09 by Ord. No. 1946]** The following bulk and lot regulations shall apply to all development within the RS-6 zone district:
1. Minimum lot area. Every lot shall contain a minimum lot area of six thousand (6,000) square feet, provided, however that the minimum lot area of corner lots shall be seven thousand two hundred (7,200) square feet.
  2. Minimum lot width. There shall be a minimum lot width of fifty (50) feet, provided, however that the minimum lot width of corner lots shall be sixty (60) feet. In addition, the minimum average width of the lot shall be such that there is a minimum lot area of at least six thousand (6,000) square feet within one hundred and twenty (120) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least seven thousand two hundred (7,200) square feet within one hundred and twenty (120) feet of the front lot line.
  3. Minimum lot frontage. There shall be a minimum lot frontage of fifty (50) feet for all lots, provided, however that the minimum lot frontage of corner lots shall be sixty (60) feet
  4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.
  5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of forty (40) feet.  
  
For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty (20) feet.
  6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than ten (10) feet.
  7. Minimum rear yard. There shall be a rear yard of at least thirty-five (35) feet.
  8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive

of basement, but not more than thirty-two (32) feet in height.

9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Maximum Eave Height. The maximum eave height shall be 22 feet.
13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
14. Minimum Garage Space. Each dwelling shall have at a minimum a 1-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.

F. **Other regulations.** In addition to the above requirements, any development in the RS-6 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
3. the off-street parking provisions of Article 17.

**§ 11.10. RM-12 SINGLE FAMILY AND TWO FAMILY RESIDENCE DISTRICT.**

- A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RM-12 zone district:
1. single-family residential uses in detached single-family residential structures;
  2. Two-family residential uses in a single structure on the same lot;
  3. public parks and playgrounds; and,
  4. community residences and shelters.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RM-12 zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. home occupations as regulated in Article 14;
  4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
  5. antennas, as regulated in § 13.04; and,
  6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RM-12 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. non-profit chartered membership organizations;
  2. residential type public utility facilities; and,
  3. certain cellular telecommunications antennas as set forth in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.

E. **Bulk and lot regulations.** [Amended 09-29-09 by Ord. No. 1946] The following bulk and lot regulations shall apply to all development within the RM-12 zone district:

1. Minimum lot area. Every lot shall contain a minimum lot area of twelve thousand (12,000) square feet, provided, however that the minimum lot area of corner lots shall be twelve thousand three hundred and sixty (12,360) square feet.
2. Minimum lot width. Every lot shall have a minimum lot width of seventy-five (75) feet, provided, however that the minimum lot width of corner lots shall be one hundred and three (103) feet. In addition, the minimum average width of the lot shall be such that there is a minimum lot area of at least twelve thousand (12,000) square feet within one hundred and sixty (160) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of twelve thousand three hundred and sixty (12,360) square feet within one hundred and twenty (120) feet of the front lot line.
3. Minimum lot frontage. There shall be a minimum lot frontage of seventy-five (75) feet for all lots, provided, however that the minimum lot frontage of corner lots shall be one hundred and three (103) feet.
4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of forty (40) feet.  
  
For corner lots, the required front yard and street side yard shall both be as established above for front yards of interior lots.
6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than twelve and one-half (12 1/2) feet.
7. Minimum rear yard. There shall be a rear yard of at least thirty-five (35) feet.
8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-two and three quarters (32 3/4) feet in height.

9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
  10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
  11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
  12. Maximum Eave Height. The maximum eave height shall be 22 feet.
  13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
  14. Minimum Garage Space. Each dwelling shall have at a minimum a 2-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.
- F. **Other regulations.** In addition to the above requirements, any development in the RM-12 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:
1. the general provisions of Article 12;
  2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
  3. the off-street parking provisions of Article 17.

**§ 11.11. RM-8 SINGLE FAMILY AND TWO FAMILY RESIDENCE DISTRICT.**

A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RM-8 zone district:

1. single-family residential uses in detached single-family residential structures;
2. two-family residential uses in a single structure on the same lot provided the same have the general appearance of a one-family dwelling with a single main entrance; **[Amended 06-04-13 by Ord. No. 2008]**
3. public parks and playgrounds; and,
4. community residences and shelters.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RM-8 zone:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. home occupations as regulated in Article 14;
4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
5. antennas, as regulated in § 13.04; and,
6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RM-8 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. houses of worship;
2. public and private non-profit schools;
3. Board of Education administrative offices;
4. non-profit chartered membership organizations;
5. residential-type public utility facilities; and,
6. certain cellular telecommunications antennas as set forth in Article 18.

- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.
- E. **Bulk and lot regulations. [Amended 09-29-09 by Ord. No. 1946]** The following bulk and lot regulations shall apply to all development within the RM-8 zone district:

1. Minimum lot area. Every lot shall contain a minimum lot area of eight thousand (8,000) square feet, provided, however that the minimum lot area of corner lots shall be eight thousand four hundred (8,400) square feet.
2. Minimum lot width. Every lot shall have a minimum lot width of sixty (60) feet, provided, however that the minimum lot width of corner lots shall be seventy (70) feet. In addition, the minimum average width of the lot shall be such that there is a minimum lot area of at least eight thousand (8,000) square feet within one hundred and thirty-four (134) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least eight thousand four hundred (8,400) square feet within one hundred and twenty (120) feet of the front lot line.
3. Minimum lot frontage. There shall be a minimum lot frontage of sixty (60) feet for all lots, provided, however that the minimum lot frontage of corner lots shall be seventy (70) feet.
4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of forty (40) feet.

For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall be not less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than ten (10) feet.
7. Minimum rear yard. There shall be a rear yard of at least thirty-five (35) feet.
8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive

of basement, but not more than thirty-two (32) feet in height.

9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Maximum Eave Height. The maximum eave height shall be 22 feet.
13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
14. Minimum Garage Space. Only detached garages shall be permitted and each dwelling shall have at a minimum a detached 1-car garage. **[Amended 06-04-14 by Ord. No. 2008]**
15. Minimum Front Porch. Each principal building shall have a front porch, with a width which is at least fifty percent (50%) of the width of the front façade, and a depth of at least five (5) feet. **[Amended 06-04-14 by Ord. No. 2008]**

F. **Other regulations.** In addition to the above requirements, any development in the RM-8 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
3. the off-street parking provisions of Article 17.



**§ 11.12. RM-6 SINGLE FAMILY AND TWO FAMILY RESIDENCE DISTRICT.**

- A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RM-6 zone district:
1. single-family residential uses in detached single-family residential structures;
  2. two-family residential uses in a single structure on the same lot;
  3. public parks and playgrounds; and,
  4. community residences and shelters.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RM-6 zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. home occupations as regulated in Article 14;
  4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
  5. antennas, as regulated in § 13.04; and,
  6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RM-6 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. houses of worship;
  2. non-profit chartered membership organizations;
  3. residential-type public utility facilities; and,
  4. certain cellular telecommunications antennas as set forth in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.

E. **Bulk and lot regulations. [Amended 09-29-09 by Ord. No. 1946]** The following bulk and lot regulations shall apply to all development within the RM-6 zone district:

1. Minimum lot area.

- a. Single-family detached dwellings. Each single-family detached dwelling shall be located on a lot containing a minimum area of six thousand (6,000) square feet, provided, however that the minimum lot area of corner lots shall be seven thousand two hundred (7,200) square feet.
- b. Two-family dwellings. Each two-family dwelling shall be located on a lot containing a minimum area of eight thousand (8,000) square feet, provided, however that the minimum lot area of corner lots shall be eight thousand four hundred (8,400) square feet.

2. Minimum lot width.

- a. Single-family detached dwellings. Each single-family detached dwelling shall be located on a lot having a minimum width of fifty (50) feet, provided, however that the minimum lot width of corner lots shall be sixty (60) feet. In addition, on lots containing a single-family detached dwelling, the minimum average width of the lot shall be such that there is a minimum lot area of at least six thousand (6,000) square feet within one hundred and twenty (120) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least seven thousand two hundred (7,200) square feet within one hundred and twenty (120) feet of the front lot line.
- b. Two-family dwellings. Each two-family dwelling shall be located on a lot having a minimum width of sixty (60) feet, provided, however that the minimum lot width of corner lots shall be seventy (70) feet. In addition, on lots containing a two-family dwelling, the average width of the lot shall be such that there is a minimum lot area of at least eight thousand (8,000) square feet within one hundred and thirty-four (134) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least eight thousand four hundred (8,400) square feet within one hundred and twenty (120) feet of the front lot line.

3. Minimum lot frontage.

- a. Single-family detached dwellings. Each single-family detached dwelling shall be located on a lot with a minimum

frontage of fifty (50) feet, provided, however that the minimum lot frontage of corner lots shall be sixty (60) feet.

b. Two-family dwellings. Each two-family dwelling shall be located on a lot with a minimum frontage of sixty (60) feet, provided, however that the minimum lot frontage of corner lots shall be seventy (70) feet.

4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a front yard of forty (40) feet.

For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall be not less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than ten (10) feet.
7. Minimum rear yard. There shall be a rear yard of at least thirty-five (35) feet.
8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-two (32) feet in height.
9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Maximum Eave Height. The maximum eave height shall be 22 feet.
13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.

14. Minimum Garage Space. Each dwelling shall have at a minimum a 1-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.

F. **Other regulations.** In addition to the above requirements, any development in the RM-6 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
3. the off-street parking provisions of Article 17.

**§ 11.13. RM-6D SINGLE FAMILY AND TWO FAMILY RESIDENCE DISTRICT.**

A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RM-6D zone district:

1. single-family residential uses in detached single-family residential structures;
2. two-family residential uses in a single structure on the same lot;
3. single-family residential uses in attached single-family residential structures sharing a common vertical wall, also known as duplexes, containing two separate dwelling units on separate lots;
4. public parks and playgrounds; and,
5. community residences and shelters.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RM-6D zone:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. home occupations as regulated in Article 14;
4. family daycare homes as defined in Article 2 and as regulated in N.J.S.A. 40:55D-66.5b.;
5. antennas, as regulated in § 13.04; and,
6. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RM-6D district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. non-profit chartered membership organizations;
2. residential-type public utility facilities; and,
3. certain cellular telecommunications antennas as set forth in Article 18.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.

E. **Bulk and lot regulations.** [Amended 09-29-09 by Ord. No. 1946] The following bulk and lot regulations shall apply to all development within the RM-6D zone district:

1. Minimum lot area.

a. Single-family detached dwellings. Each single-family detached dwelling shall be located on a lot containing a minimum area of six thousand (6,000) square feet, provided, however that the minimum lot area of corner lots shall be seven thousand two hundred (7,200) square feet.

b. Two-family dwellings. Each two-family dwelling shall be located on a lot containing a minimum area of eight thousand (8,000) square feet, provided, however that the minimum lot area of corner lots shall be eight thousand four hundred (8,400) square feet.

c. Single-family attached dwellings. Each single-family attached dwelling shall be located on a lot containing a minimum area of four thousand (4,000) square feet, provided, however that the minimum lot area of corner lots shall be four thousand eight hundred (4,800) square feet.

2. Minimum lot width.

a. Single-family detached dwellings. Each single-family detached dwelling shall be located on a lot having a minimum width of fifty (50) feet, provided, however that the minimum lot width of corner lots shall be sixty (60) feet. In addition, on lots containing a single-family detached dwelling, the minimum average width of the lot shall be such that there is a minimum lot area of at least six thousand (6,000) square feet within one hundred and twenty (120) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least seven thousand two hundred (7,200) square feet within one hundred and twenty (120) feet of the front lot line.

b. Two-family dwellings. Each two-family dwelling shall be located on a lot having a minimum width of sixty (60) feet, provided, however that the minimum lot width of corner lots shall be seventy (70) feet. In addition, on lots containing a two-family dwelling, the minimum average width of the lot

shall be such that there is a minimum lot area of at least eight thousand (8,000) square feet within one hundred and thirty-four (134) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least eight thousand four hundred (8,400) square feet within one hundred and twenty (120) feet of the front lot line.

- c. Single-family attached dwellings. Each single-family attached dwelling shall be located on a lot having a minimum width of thirty (30) feet, provided, however that the minimum lot width of corner lots shall be forty (40) feet. In addition, on lots containing a single-family attached dwelling, the minimum average width of the lot shall be such that there is a minimum lot area of at least four thousand (4,000) square feet within one hundred and thirty-four (134) feet of the front lot line, provided, however that the minimum average lot width of corner lots shall be such that there is a minimum lot area of at least four thousand eight hundred (4,800) square feet within one hundred and twenty (120) feet of the front lot line.

3. Minimum lot frontage.

- a. Single-family detached dwellings. Each single-family detached dwelling shall be located on a lot with a minimum frontage of fifty (50) feet, provided, however that the minimum lot frontage of corner lots shall be sixty (60) feet.
- b. Two-family dwellings. Each two-family dwelling shall be located on a lot with a minimum frontage of sixty (60) feet, provided, however that the minimum lot frontage of corner lots shall be seventy (70) feet.
- c. Single-family attached dwellings. Each single-family attached dwelling shall be located on a lot with a minimum frontage of thirty (30) feet, provided, however that the minimum lot frontage of corner lots shall be forty (40) feet.

4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.

5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of forty (40) feet.

For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall be not less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, the following side yard requirements shall apply:
  - a. Single-family detached dwellings and two-family dwellings. There shall be two (2) side yards and no side yard shall be less than ten (10) feet.
  - b. Single-family attached dwellings. No side yard shall be required along the common vertical wall between two dwellings. The other side yard shall be no less than ten (10) feet.
7. Minimum rear yard. There shall be a rear yard of at least thirty-five (35) feet.
8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-two (32) feet in height.
9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Maximum Eave Height. The maximum eave height shall be 22 feet.
13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
14. Minimum Garage Space. Each dwelling shall have at a minimum a 1-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.

F. **Other regulations.** In addition to the above requirements, any development in the RM-6D zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;



2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings); and,
3. the off-street parking provisions of Article 17.

**§ 11.14. RA-1 HOUSING FOR ELDERLY MULTI-FAMILY RESIDENCE DISTRICT.**

- A. **Principal uses and structures.** Housing for the elderly as defined in Article 2 within a multi-family residential structure shall be permitted as a principal use in the RA-1 zone district.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RA-1 zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. home occupations as regulated in Article 14; excluding family daycare homes in multi-family residential structures used as housing for the elderly;
  4. antennas, as regulated in § 13.04; and,
  5. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses. For the purposes of administering this provision, decks, patios, and recreational facilities such as swimming pools, tennis courts, racquetball courts, exercise facilities, meeting rooms, community house, game rooms, etc., shall not be considered to be a use customarily incidental to housing for the elderly.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RA-1 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. residential-type public utility facilities; and,
  2. certain cellular telecommunications antennas as set forth in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.
- E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all development within the RA-1 zone district:
1. Minimum lot area. There shall be a minimum lot area of one (1) acre (43,560 square feet).

2. Minimum front yard. For interior lots, there shall be a front yard of not less than fifty (50) feet. For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty-five (25) feet.
3. Minimum side yard and rear yard. Except as provided above for corner lots, no building containing dwelling units shall be closer to any side or rear property line than thirty (30) feet. Notwithstanding this requirement, when the side yard in the RA-1 zone abuts the side yard of any residential zone, the minimum side yard in the RA-1 zone shall be equal to one (1) foot for every foot of height of the building in the RA-1 zone, but not less than thirty (30) feet.
4. Maximum density. There shall be a maximum density of one dwelling unit for each 4,356 square feet of lot area, or ten (10) dwelling units for each acre.
5. Maximum building height. No principal building shall exceed the maximum of two (2) habitable floors, exclusive of basement, but not more than thirty (30) feet in height.
6. Minimum distance between buildings. There shall be provided between buildings containing dwelling units a minimum distance of thirty (30) feet.
7. Maximum coverage by buildings and above-grade structures. No more than seventeen percent (17%) of the area of any lot shall be covered by buildings and above-grade structures; provided, however, that such coverage may be increased to nineteen percent (19%) when at least two percent (2%) of such coverage of the lot is by a deck or decks. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
8. Maximum coverage by improvements. No more than fifty percent (50%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that each lot shall have at least fifty percent (50%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.

9. Maximum dwelling units per building. No building shall contain more than four (4) dwelling units.
10. Minimum floor area per dwelling unit. Every housing for the elderly building shall contain a minimum habitable floor area per dwelling unit that complies with the following schedule:

Number of Rooms*	Minimum Habitable Floor Area
1	600 square feet
2	750 square feet
3	900 square feet
4 or more	1,050 square feet

\* exclusive of main living room, kitchen, dinette or dining room where permitted, bathrooms and closets.

11. Minimum number of bedrooms. Each dwelling unit shall contain at least one (1) bedroom.

F. **Other regulations.** In addition to the above requirements, any development in the RA-1 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. Compatible architecture. The design of accessory buildings and structures, including the nature of building materials used, shall be substantially the same as used in the construction of principal buildings on the same site designed to be used as housing for the elderly.
2. Screening. Any premises in the RA-1 zone that is used for housing for the elderly shall be effectively screened on any side which abuts any premises that is used exclusively as a single-family detached or two-family dwelling. The required screening shall meet the conditions imposed by the Planning Board for this purpose.
3. The general provisions of Article 12 shall be met.
4. The off-street parking provisions of Article 17 shall be met.

**§ 11.15. RA-2 GARDEN APARTMENT RESIDENCE DISTRICT.**

- A. **Principal uses and structures.** Garden apartments as defined in Article 2 shall be permitted as a principal use and structure in the RA-2 zone district.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RA-2 zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. home occupations as regulated in Article 14, excluding family daycare homes in garden apartments;
  4. antennas, as regulated in § 13.04; and,
  5. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses. For the purposes of administering this provision, decks and patios shall not be considered to be a use customarily incidental to a garden apartment.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RA-2 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. residential-type public utility facilities; and,
  2. certain cellular telecommunications antennas as set forth in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.
- E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all development within the RA-2 zone district:
1. Minimum lot area. There shall be a minimum lot area of two (2) acres (87,120 square feet).
  2. Minimum lot width. There shall be a minimum lot width of two hundred (200) feet.
  3. Minimum front yard. For interior lots, there shall be a front yard of not less than fifty (50) feet. For corner lots, the required front yard shall be as established above

for interior lots. The required street side yard shall not be less than twenty-five (25) feet.

4. Minimum side yard and rear yard. Except as provided above for corner lots, no building containing dwelling units shall be closer to any side or rear property line than thirty (30) feet. Notwithstanding this requirement, when the side yard in the RA-2 zone abuts the side yard of any residential zone, the minimum side yard in the RA-2 zone shall be equal to one (1) foot for every foot of height of the building in the RA-2 zone, but not less than thirty (30) feet.
5. Maximum density. There shall be a maximum density of thirteen (13) dwelling units for each acre of lot area.
6. Maximum rooms per acre. There shall not be more than twenty (20) rooms per acre, exclusive of main living rooms, kitchens, dinettes, bathrooms and closets.
7. Maximum building height. No principal building shall exceed the maximum of two (2) habitable floors, exclusive of basement, but not more than thirty (30) feet in height. No accessory building shall exceed one (1) story in height.
8. Minimum distance between buildings. There shall be provided between buildings containing dwelling units a minimum distance of thirty (30) feet. In any "U" shaped building or group of attached buildings forming a "U" shape, the open court across the "U" shall not be less than sixty (60) feet, and said court shall not contain any accessory building.
9. Maximum coverage by buildings and above-grade structures. No more than seventeen percent (17%) of the area of any lot shall be covered by buildings and above-grade structures; provided, however, that such coverage may be increased to nineteen percent (19%) when at least two percent (2%) of such coverage of the lot is by a deck or decks. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
10. Maximum coverage by improvements. No more than fifty percent (50%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that each lot shall have at least fifty percent (50%) of its lot area without any improvements except vegetation. Earthen flood detention basins as

defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.

11. Maximum dwelling units per building. No building shall contain more than twelve (12) dwelling units.
12. Minimum floor area per dwelling unit. Every building shall contain a minimum habitable floor area per dwelling unit that complies with the following schedule:

Number of Rooms*	Minimum Habitable Floor Area
1	600 square feet
2	750 square feet
3	900 square feet
4 or more	1,050 square feet

\* exclusive of main living room, kitchen, dinette or dining room where permitted, bathrooms and closets.

13. Minimum number of bedrooms. Each dwelling unit shall contain at least one (1) bedroom.
14. Maximum continuous wall length. The longest dimension of any continuous exterior wall of any building shall not be greater than fifty (50) feet. For the purpose of administering this provision, any exterior wall that is offset for a depth of four (4) feet or greater shall be construed as a separate wall.

F. **Other regulations.** In addition to the above requirements, any development in the RA-2 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. Compatible architecture. The design of accessory buildings and structures, including the nature of building materials used, shall be substantially the same as used in the construction of principal buildings on the same site designed to be used for garden apartments.
2. Use of accessory buildings, basements and attics. No part of any accessory building or structure shall be used for living purposes. No portion of any building or structure below the first floor or above the second floor shall be used for dwelling purposes, except that one (1) basement dwelling unit may be provided for on the lot and occupied by a janitor or superintendent employed upon the premises.
3. Screening. Any premises in the RA-2 zone that is used for garden apartments shall be effectively screened on any side

which abuts any premises that are used exclusively as a single-family detached or two-family dwelling. The required screening shall meet the conditions imposed by the Planning Board for this purpose.

4. The general provisions of Article 12 shall be met.
5. The off-street parking provisions of Article 17 shall be met.



**§ 11.16. RA-3 GARDEN APARTMENT RESIDENCE DISTRICT.**

A. **Principal uses and structures.** [Amended 5-11-1999 by Ord. No. 1734] The following principal uses and structures shall be permitted in the RA-3 zone district:

1. garden apartments as defined in Article 2;
2. single-family residential uses in detached single-family residential structures;
3. two-family residential uses in a single structure on the same lot;
4. public parks and playgrounds; and,
5. multi-family residences as defined in Article 2, limited to the following ownership types:
  - a. fee simple ownership of individual units;
  - b. condominium ownership; or,
  - c. cooperative ownership.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RA-3 zone:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. home occupations as regulated in Article 14, excluding family daycare homes in garden apartments;
4. antennas, as regulated in § 13.04; and,
5. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses. For the purposes of administering this provision, recreational facilities such as swimming pools, tennis courts, racquetball courts, exercise facilities, meeting rooms, community house, game rooms, etc., shall not be considered to be a use customarily incidental to a garden apartment or other multi-family residence. [Amended 5-11-1999 by Ord. No. 1734]

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RA-3 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. residential-type public utility facilities; and,
2. certain cellular telecommunications antennas as set forth in Article 18.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.

E. **Bulk and lot regulations for garden apartments and other multi-family residences.** [Amended 5-11-1999 by Ord. No. 1734] The following bulk and lot regulations shall apply to all garden apartments and other multi-family residences within the RA-3 zone district:

1. Minimum lot area. There shall be a minimum lot area of fifteen thousand (15,000) square feet.
2. Minimum lot width. There shall be a minimum lot width of one hundred (100) feet.
3. Minimum front yard. For interior lots, there shall be a front yard of not less than forty (40) feet. For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty (20) feet.
4. Minimum side yard and rear yard. Except as provided above for corner lots, no building containing dwelling units shall be closer to any side or rear property line than thirty (30) feet. Notwithstanding this requirement, when the side yard in the RA-3 zone abuts the side yard of any residential zone, the minimum side yard in the RA-3 zone shall be equal to one (1) foot for every foot of height of the building in the RA-3 zone, but not less than thirty (30) feet.
5. Maximum density. There shall be a maximum density of eighteen (18) dwelling units for each acre of lot area within the RA-3 district. [Amended 09-29-09 by Ord. No. 1946]
6. Maximum rooms per acre. There shall not be more than thirty-six (36) rooms per acre, exclusive of main living rooms, kitchens, dinettes, bathrooms and closets. [Amended 09-29-09 by Ord. No. 1946]
7. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-five (35) feet in height. No accessory building shall exceed one (1) story in height. [Amended 09-29-09 by Ord. No. 1946]

8. Minimum Garage Space. Each dwelling shall have at a minimum a 1-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required. **[Amended 09-29-09 by Ord. No. 1946]**
9. Minimum distance between buildings. There shall be provided between buildings containing dwelling units a minimum distance of thirty (30) feet. In any "U" shaped building or group of attached buildings forming a "U" shape, the open court across the "U" shall not be less than sixty (60) feet, and said court shall not contain any accessory building.
10. Maximum coverage by buildings and above-grade structures. No more than twenty-five percent (25%) of the area of any lot shall be covered by buildings and above-grade structures; provided, however, that such coverage may be increased to twenty-seven percent (27%) when at least two percent (2%) of such coverage of the lot is by a deck or decks. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
11. Maximum coverage by improvements. No more than fifty percent (50%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that each lot shall have at least fifty percent (50%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.
12. Maximum dwelling units per building. No building shall contain more than sixteen (16) dwelling units. For purposes of administering this section, where buildings containing dwelling units are connected by an accessory structure which does not contain dwelling units, each building containing dwelling units shall be considered a separate building.
13. Minimum floor area per dwelling unit. Every building shall contain a minimum habitable floor area per dwelling unit that complies with the following schedule:

Number of Rooms*	Minimum Habitable Floor Area
1	600 square feet
2	750 square feet
3	900 square feet
4 or more	1,050 square feet

\* exclusive of main living room, kitchen, dinette or dining room where permitted, bathrooms and closets.

14. Minimum number of bedrooms. Each dwelling unit shall contain at least one (1) bedroom.
15. Maximum continuous wall length. The longest dimension of any continuous exterior wall of any building shall not be greater than fifty (50) feet. For the purpose of administering this provision, any exterior wall that is offset for a depth of four (4) feet or greater shall be construed as a separate wall.

F. **Other regulations applicable to garden apartments and other multi-family residences. [Amended 5-11-1999 by Ord. No. 1734]** In addition to the above bulk and lot regulations, the following regulations shall apply to garden apartment and other multi-family residence developments:

1. Compatible architecture. The design of accessory buildings and structures, including the nature of building materials used, shall be substantially the same as used in the construction of principal buildings on the same site designed to be used for garden apartments or other multi-family residences.
2. Use of accessory buildings, basements and attics. No part of any accessory building or structure shall be used for living purposes. No portion of any building or structure below the first floor or above the second floor shall be used for dwelling purposes, except that one (1) basement single-family dwelling unit may be provided for on the lot and occupied by a janitor or superintendent employed upon the premises.
3. Screening. Any premises in the RA-3 zone that is used for garden apartments or other multi-family residences shall be effectively screened on any side which abuts any premises that is used exclusively as a single-family detached or two-family dwelling. The required screening shall meet the conditions imposed by the Planning Board for this purpose.

- G. **Bulk and lot regulations for single family detached and two family dwellings.** [Amended 09-29-09 by Ord. No. 1946] The following bulk and lot regulations shall apply to single-family detached dwellings and two-family dwellings in the RA-3 zone district:

1. Minimum lot area.

- a. Single-family detached dwellings. Each single-family detached dwelling shall be located on a lot containing a minimum area of six thousand (6,000) square feet.
- b. Two-family dwellings. Each two-family dwelling shall be located on a lot containing a minimum area of eight thousand (8,000) square feet.

2. Minimum lot width.

- a. Single-family detached dwellings. Each single-family detached dwelling shall be located on a lot with a minimum width of fifty (50) feet. In addition, on lots containing a single-family detached dwelling, the average width of the lot shall be such that there is a minimum lot area of at least six thousand (6,000) square feet within one hundred and twenty (120) feet of the front street sideline.
- b. Two-family dwellings. Each two-family dwelling shall be located on a lot with a minimum width of sixty (60) feet. In addition, on lots containing a two-family dwelling, the average width of the lot shall be such that there is a minimum lot area of at least eight thousand (8,000) square feet within one hundred and thirty-four (134) feet of the front street sideline.

3. Minimum lot frontage.

- a. Single-family detached dwellings. Each single-family detached dwelling shall be located on a lot with a minimum frontage of fifty (50) feet.
- b. Two-family dwellings. Each two-family dwelling shall be located on a lot with a minimum frontage of sixty (60) feet, except that lots which front entirely on the outer curve of a curved street or which front entirely on a cul-de-sac turnaround shall have a minimum lot frontage of fifty (50) feet.

4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.

5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a minimum front yard of forty (40) feet.

For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than ten (10) feet.
7. Minimum rear yard. There shall be a rear yard of at least thirty-five (35) feet.
8. Maximum building height. No principal building shall exceed the maximum of two and one-half (2 1/2) stories, exclusive of basement, but not more than thirty-five (35) feet in height.
9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Maximum Eave Height. The maximum eave height shall be 22 feet.
13. Maximum Building Mass at Zoning Side Yard. The maximum continuous length for building walls located adjacent to a side yard property line shall not exceed the Maximum Continuous Wall length at zoning side yard as set forth in § 2.11G.
14. Minimum Garage Space. Each dwelling shall have at a minimum a 1-car garage. In the case of an attached, front-facing garage a minimum 2-foot offset behind the main façade is required.

- H. **Other regulations.** In addition to the above requirements, any development in the RA-3 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the architectural design provisions of § 12.11B (new developments containing at least two (2) new single-family detached dwellings); and,
3. the off-street parking provisions of Article 17.

**§ 11.17. RA-4 SENIOR CITIZENS HOUSING RESIDENCE DISTRICT.**

- A. **Principal uses and structures.** Senior citizens housing for persons of low and moderate incomes shall be permitted as a principal use and structure in the RA-4 zone district. Said permitted housing is limited to development under a limited dividend or non-profit housing corporation sponsorship and financed under State and/or Federal housing programs.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RA-4 zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. antennas, as regulated in § 13.04; and,
  4. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses. For the purposes of administering this provision, recreational facilities such as swimming pools, tennis courts and racquetball courts shall not be considered to be a use customarily incidental to senior citizens housing.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the RA-4 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. residential-type public utility facilities;
  2. certain cellular telecommunications antennas as set forth in Article 18; and,
  3. uses in the flood plain which are also permitted principal, accessory or conditional uses in the RA-4 zone district.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.
- E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all development within the RA-4 zone district:
1. Minimum lot area. There shall be a minimum lot area of five (5) acres.
  2. Minimum front yard. For interior lots, there shall be a front yard of not less than seventy-five (75) feet. For



corner lots, the required front yard shall be as established above for interior lots, and the required street side yard shall not be less than thirty-eight (38) feet.

3. Minimum side yard and rear yard. Except as provided above for corner lots, no building shall be closer to a side or rear property line or zone district boundary line than one hundred (100) feet.
4. Maximum density. There shall be a maximum density of sixteen (16) dwelling units for each acre of lot area.
5. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, but not more than forty (40) feet in height. Specifically excluded from this height limitation is architectural ornamentation such as, but not limited to, cupolas and balustrades; provided no such architectural ornamentation shall exceed ten (10) feet in height above the building as measured without such ornamentation.

No accessory building shall exceed one (1) story in height.

6. Maximum building coverage. No more than twenty-five percent (25%) of the area of any lot shall be covered by above grade buildings and/or structures. Flood detention basins, decks and patios as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
7. Maximum coverage by improvements. No more than fifty percent (50%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that each lot shall have at least fifty percent (50%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.
8. Minimum floor area per dwelling unit. Every housing for the elderly building shall contain a minimum habitable floor area per dwelling unit that complies with the following schedule:

Number of rooms*	Minimum Habitable Floor Area
0 (efficiency)	400 square feet
1	550 square feet
2	700 square feet

\* exclusive of main living room, kitchen, dinette or dining room where permitted, bathrooms and closets.

**F. Affordable housing regulations.**

1. Affordability controls. Affordability controls relating to low and moderate income housing shall be consistent with rules and regulations established by the New Jersey Council on Affordable Housing. The administration of such affordability controls, including occupancy selection, determination of eligibility, establishment of rents and other related matters shall be performed by an agent or agency appointed by the governing body as otherwise provided by ordinance.
2. Occupancy requirements. To the extent consistent with law and regulations of the New Jersey Council on Affordable Housing, the New Jersey Mortgage Finance Housing Agency and the Federal Housing and Urban Development Agency, occupancy shall be for senior citizens as therein defined who are residents of the Town of Westfield.

**G. Other regulations applicable to senior citizens housing.**

1. Compatible architecture. The design of accessory buildings and structures, including the nature of building materials used, shall be substantially the same as used in the construction of principal buildings on the same site designed to be used for senior citizens housing.
2. Use of accessory buildings, basements and attics. No part of any accessory building or structure, basement or attic shall be used for living purposes.
3. Screening. Any premises in the RA-4 zone that is used for senior citizens housing shall be effectively screened on any side which abuts any premises that is used exclusively as a single-family detached or two-family dwelling. The required screening shall meet the conditions imposed by the Planning Board for this purpose.

**H. Other regulations.** In addition to the above requirements, any development in the RA-4 zone district must comply with all

applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12; and,
2. the off-street parking provisions of Article 17.

**§ 11.18. RA-5A MULTI-FAMILY RESIDENCE DISTRICT. [Amended 05-07-13 by Ord. No. 2000]**

- A. **Principal uses and structures.** [Amended 09-29-09 by Ord. No. 1946] The following principal uses and structures shall be permitted in the RA-5A zone district:
1. multi-family residences as defined in Article 2;
  2. single-family residential uses in attached single-family residential structures, also known as townhouses; and,
  3. private open space, private and public parks and playgrounds.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RA-5A zone district:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. antennas, as regulated in § 13.04; and,
  4. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** Residential-type public utility facilities shall be permitted in the RA-5A zone district only if they comply with the appropriate regulations for such uses or structures in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.
- E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all developments within the RA-5A zone district:
1. Minimum tract area. There shall be a minimum tract area of five (5) acres.
  2. Minimum front yard. For interior lots, there shall be a front yard of not less than forty (40) feet. For corner lots, the required front yard shall be as established above for interior lots. The required street side yard shall not be less than twenty (20) feet, except when the street side yard abuts a county road, in which case the street side yard shall not be less than forty (40) feet.

3. Minimum side yard and rear yard. Except as provided above for corner lots, no building containing dwelling units shall be closer to any side or rear property line than thirty (30) feet. Notwithstanding this requirement, when the side yard in the RA-5A zone district abuts the side yard of any residential zone, the minimum side yard in the RA-5A zone district shall be equal to one (1) foot for every foot of height of the building in the RA-5A zone, but not less than thirty (30) feet.
4. Maximum density. There shall be a maximum density of eight (8) dwelling units for each acre of lot or tract area.
5. Maximum building height. No principal building shall exceed the maximum of two (2) habitable floors, exclusive of basement, but not more than thirty-five (35) feet in height. No accessory building shall exceed one (1) story in height.
6. Minimum distance between buildings. Between buildings containing dwelling units, the following minimum distances shall apply:
  - a. buildings facing front-to-front, a minimum setback of sixty (60) feet separated by an open court and said court shall not contain any accessory building;
  - b. buildings facing rear-to-rear, a minimum setback of sixty (60) feet;
  - c. buildings facing front-to-side, a minimum setback of forty (40) feet;
  - d. no rear of one building shall face the front of another building.
7. Maximum coverage by buildings and above-grade structures. No more than twenty-five percent (25%) of the area of any lot shall be covered by buildings and above-grade structures; provided, however, that such coverage may be increased to twenty-seven percent (27%) when at least two percent (2%) of such coverage of the lot is by a deck or decks. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
8. Maximum coverage by improvements. No more than fifty percent (50%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings, above-grade structures, and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention

of this provision that each lot shall have at least fifty percent (50%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.

9. Maximum dwelling units per building. No townhouse building shall contain more than six (6) dwelling units. No multi-family residential building shall contain more than ten (10) dwelling units. For purposes of administering this section, where buildings containing dwelling units are connected by an accessory structure which does not contain dwelling units, each building containing dwelling units shall be considered a separate building.
10. Maximum continuous wall length. The longest dimension of any continuous exterior wall of any building shall not be greater than fifty (50) feet. For the purpose of administering this provision, any exterior wall that is offset for a depth of four (4) feet or greater shall be construed as a separate wall.

F. **Affordable housing regulations.** The following regulations shall apply to all developments which provide for affordable housing within the RA-5A zone district:

1. Total number of affordable units. Any development for multi-family residences or single-family attached residences shall be required to make at least twenty percent (20%) of the units to be sold or rented at rates affordable to low, very low and moderate income limits, with any fractional unit to be rounded upward. All affordable units shall be constructed on site.
2. All other provisions governing the development of affordable housing in this zone district shall be in accordance with the provisions of the Town of Westfield Affordable Housing Regulations contained in Article 23 of the Land Use Ordinance.
3. Compliance with site plan and subdivision standards. Compliance with Article 10, Design Guidelines, Standards and Construction Specifications, shall be required for all affordable housing developments, except where deviations from such provisions are determined by the Planning Board to be necessary to provide affordable housing as permitted herein. In considering deviations, the Planning Board shall be guided by the rules and regulations of the Council on Affordable Housing at N.J.A.C. 5:93-10.

G. **Other regulations.** The following other regulations shall apply to all development within the RA-5A zone district:

1. Townhouse façade variation. In order to avoid excessive visual monotony, the front and rear façade of each townhouse dwelling unit shall be substantially different in appearance from the façade of adjacent dwelling units. The façade variation as required herein shall be accomplished by the use of different materials, textures or colors, or any combination thereof; provided that the façade designs shall avoid excessive variety or contrast. The use of materials, textures and colors shall be harmonious and compatible throughout the entire development.
2. Compatible architecture. The design of accessory buildings and structures, including the nature of building materials used, shall be substantially the same as used in the construction of principal buildings on the same site designed to be used for multi-family residences or single-family attached residences.
3. Use of accessory buildings. No part of any accessory building or structure shall be used for living purposes.
4. Screening. Any premises in the RA-5A zone that is used for multi-family residences or single-family attached residences shall be effectively screened on any side which abuts any premises that is used exclusively as a single-family detached or two-family dwelling. The required screening shall meet the conditions imposed by the Planning Board for this purpose.
5. Affordability regulations. All inclusionary developments in the RA-5A zone district shall comply with all applicable affordable housing regulations of Article 23 of the Land Use Ordinance and all affordable housing constructed in the RA-5A zone district shall be constructed, marketed, sold and/or rented in accordance with the New Jersey Uniform Housing Affordability Controls (UHAC) set forth in N.J.A.C. 5:80-26.1 et seq. and N.J.A.C. 5:97-1 et seq.
6. General provisions, parking and loading. In addition to the above requirements, all developments in the RA-5A zone district shall comply with all other applicable provisions of the Land Use Ordinance, including but not limited to the general provisions of Article 12, and the off-street parking provisions of Article 17.
7. Pre-existing uses. The use(s) existing on the property, at the time of adoption of this ordinance, are permitted to continue. The uses are permitted to be demolished, rebuild and modified in accordance with the prior zoning standards

that were in effect at the time of this rezoning. No change of use shall otherwise occur except in strict conformance with this ordinance.

- H. **Effective Date.** The within new Article 11.18 of the Land Use Ordinance shall not become effective until: (1) proper passage and publication in accordance with law; (2) entry by the Superior Court of New Jersey of a Final Judgment of Compliance and Repose in litigation entitled Sunnyside Senior Housing of Westfield, LLC v. Town of Westfield, et al., Docket No. UNN-L-135-09, and (3) the expiration of the 45-day appeal period without an appeal of the Judgment of Compliance and Repose having been filed.



**§ 11.19. RA-5B MULTI-FAMILY RESIDENCE DISTRICT. [Amended 05-07-13 by Ord. No. 2000]**

- A. **Principal uses and structures.** The following principal uses and structures shall be permitted in the RA-5B zone district:
1. multi-family residences as defined in Article 2, limited to the following ownership types:
    - a. fee simple ownership of individual units;
    - b. condominium ownership; or,
    - c. cooperative ownership;
  2. single-family residential uses in attached single-family residential structures, also known as townhouses; and,
  3. private open space, private and public parks and playgrounds.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RA-5B zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. antennas, as regulated in § 13.04; and,
  4. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses.
- C. **Conditional uses and structures.** Residential-type public utility facilities shall be permitted in the RA-5B district only if they comply with the appropriate regulations for such uses or structures in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited.
- E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all developments within the RA-5B zone district:
1. Minimum tract area. There shall be a minimum tract area of two (2) acres.
  2. Minimum front yard. For interior lots, there shall be a front yard of not less than forty (40) feet. For corner lots, the required front yard shall not be less than forty

(40) feet, and the required street side yard shall not be less than forty (40) feet.

3. Minimum side yard and rear yard. Except as provided above for corner lots, no building containing dwelling units shall be closer to any side or rear property line than thirty (30) feet. Notwithstanding this requirement, when the side yard in the RA-5B zone abuts the side yard of any residential zone, the minimum side yard in the RA-5B zone shall be equal to one (1) foot for every foot of height of the building in the RA-5B zone, but not less than thirty (30) feet.
4. Maximum density. There shall be a maximum density of eight (8) dwelling units for each acre of lot or tract area.
5. Maximum building height. No principal building shall exceed the maximum of two (2) habitable floors, exclusive of basement, but not more than thirty-five (35) feet in height. No accessory building shall exceed one (1) story in height.
6. Minimum distance between buildings. Between buildings containing dwelling units, the following minimum distances shall apply:
  - a. buildings facing front-to-front, a minimum setback of sixty (60) feet separated by an open court and said court shall not contain any accessory building;
  - b. buildings facing rear-to-rear, a minimum setback of sixty (60) feet;
  - c. buildings facing front-to-side, a minimum setback of forty (40) feet;
  - d. no rear of one building shall face the front of another building.
7. Maximum coverage by buildings and above-grade structures. No more than twenty-five percent (25%) of the area of any lot shall be covered by buildings and above-grade structures; provided, however, that such coverage may be increased to twenty-seven percent (27%) when at least two percent (2%) of such coverage of the lot is by a deck or decks. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
8. Maximum coverage by improvements. No more than fifty percent (50%) of the area of any lot shall be covered by physical improvements, including but not limited to

buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that each lot shall have at least fifty percent (50%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.

9. Maximum dwelling units per building. No townhouse building shall contain more than six (6) dwelling units. No multi-family residential building shall contain more than ten (10) dwelling units. For purposes of administering this section, where buildings containing dwelling units are connected by an accessory structure which does not contain dwelling units, each building containing dwelling units shall be considered a separate building.
10. Maximum continuous wall length. The longest dimension of any continuous exterior wall of any building shall not be greater than fifty (50) feet. For the purpose of administering this provision, any exterior wall that is offset for a depth of four (4) feet or greater shall be construed as a separate wall.

F. **Affordable housing regulations.** The following regulations shall apply to all developments which provide for affordable housing within the RA-5B zone district:

1. Total number of affordable units. Any development for multi-family residences or single-family attached residences shall be required to make at least twenty percent (20%) of the units to be sold or rented at rates affordable to low, very low and moderate income limits, with any fractional unit to be rounded upward. All affordable units shall be constructed on site.
2. All other provisions governing the development of affordable housing in this zone district shall be in accordance with the provisions of the Town of Westfield Affordable Housing Regulations contained in Article 23 of the Land Use Ordinance.
3. Compliance with site plan and subdivision standards. Compliance with Article 10, Design Guidelines, Standards and Construction Specifications, shall be required for all affordable housing developments, except where deviations from such provisions are determined by the Planning Board to be necessary to provide affordable housing as permitted herein. In considering deviations, the Planning Board shall

be guided by the rules and regulations of the Council on Affordable Housing at N.J.A.C. 5:93-10.

G. **Other regulations.** The following other regulations shall apply to all development within the RA-5B zone district.

1. Townhouse façade variation. In order to avoid excessive visual monotony, the front and rear façade of each townhouse dwelling unit shall be substantially different in appearance from the façade of adjacent dwelling units. The façade variation as required herein shall be accomplished by the use of different materials, textures or colors, or any combination thereof; provided that the façade designs shall avoid excessive variety or contrast. The use of materials, textures and colors shall be harmonious and compatible throughout the entire development.
2. Compatible architecture. The design of accessory buildings and structures, including the nature of building materials used, shall be substantially the same as used in the construction of principal buildings on the same site designed to be used for multi-family residences or single-family attached residences.
3. Use of accessory buildings. No part of any accessory building or structure shall be used for living purposes.
4. Screening. Any premises in the RA-5B zone that is used for multi-family residences or single-family attached residences shall be effectively screened on any side which abuts any premises that is used exclusively as a single-family detached or two-family dwelling. The required screening shall meet the conditions imposed by the Planning Board to for this purpose.
5. Affordability regulations. All inclusionary developments in the RA-5A zone district shall comply with all applicable affordable housing regulations of Article 23 of the Land Use Ordinance and all affordable housing constructed in the RA-5A zone district shall be constructed, marketed, sold and/or rented in accordance with the New Jersey Uniform Housing Affordability Controls (UHAC) set forth in N.J.A.C. 5:80-26.1 et seq. and N.J.A.C. 5:97-1 et seq.
6. General provisions, parking and loading. In addition to the above requirements, all developments in the RA-5A zone district shall comply with all other applicable provisions of the Land Use Ordinance, including but not limited to the general provisions of Article 12, and the off-street parking provisions of Article 17.

- H. **Effective Date.** The within new Article 11.18 of the Land Use Ordinance shall not become effective until: (1) proper passage and publication in accordance with law; (2) entry by the Superior Court of New Jersey of a Final Judgment of Compliance and Repose in litigation entitled Sunnyside Senior Housing of Westfield, LLC v. Town of Westfield, et al., Docket No. UNN-L-135-09, and (3) the expiration of the 45-day appeal period without an appeal of the Judgment of Compliance and Repose having been filed.

**§ 11.20. P-1 PROFESSIONAL OFFICE DISTRICT.**

- A. **Principal uses and structures.** [Amended 09-29-09 by Ord. No. 1946] The P-1 zone district is designed for professional offices in which the principal use is a licensed practitioner(s) of certain professions, and in which the use and appearance of the properties are compatible with residential use on adjacent properties or in adjacent zones. The following principal uses and structures shall be permitted in the P-1 zone district:
1. professional offices of licensed practitioner(s) on the first and/or second floors, limited to the following uses:
    - a. offices of medical doctors and licensed clinical psychologists treating the ailments of humans, excluding therefrom clinics or outpatient dispensaries whose principal function is the providing of nursing or convalescent care or the furnishing of narcotic, drug or alcohol abuse treatment; dentists, acupuncturists, chiropractors, and physical therapists;
    - b. lawyers;
    - c. professional engineers, licensed land surveyors, licensed professional planners and other design consultants;
    - d. architects and certified landscape architects; management and public relations services; advertising services;
    - e. accountants; insurance agents, brokers and services; title agencies; business, professional, labor, civic, social and political associations and other membership associations.
  2. childcare centers on first and/or second floors;
  3. single-family residential uses in detached single-family structures; and;
  4. single-family residential uses on the second and/or third floor in the same structure as a permitted professional office use.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the P-1 zone district:
1. parking and parking facilities as regulated in Article 17, including garages for professional office use when used exclusively for parking of motor vehicles;

2. signs as regulated in Article 16;
  3. home occupations as regulated in Article 14;
  4. antennas, as regulated in § 13.04; and,
  5. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the P-1 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. houses of worship;
  2. non-profit chartered membership organizations;
  3. residential-type public utility facilities; and,
  4. certain cellular telecommunications antennas as set forth in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above permitted uses, professional offices intended to operate or function with an employee or professional present outside of normal business hours on a regular basis are prohibited. For purposes of this subsection, normal business hours shall be construed to be 8:00 a.m. to 10:00 p.m. daily, excluding Sundays. Non-residential use on the third floor is also prohibited.
- E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all development within the P-1 zone district, unless more stringent requirements are provided by this ordinance:
1. Minimum lot area. Every lot shall contain a minimum lot area of twelve thousand (12,000) square feet.
  2. Minimum lot width. Every lot shall have a minimum lot width of one hundred (100) feet. In addition, the average lot width shall be such that the minimum lot area of twelve thousand (12,000) square feet shall be provided within one hundred and twenty (120) feet of the front street sideline.
  3. Minimum lot frontage. There shall be a minimum lot frontage of one hundred (100) feet for all lots.

4. Minimum lot depth. Every lot shall have a minimum lot depth of one hundred and fifty (150) feet.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a front yard of forty (40) feet.

For corner lots, the front yard shall be as required above for interior lots. The street side yard shall not be less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than twelve (12) feet. Notwithstanding the above requirement, when the side yard in the P-1 zone district abuts a property in any residential zone, said side yard shall be not less than one (1) foot for every foot of height of the building located in the P-1 zone district, but not less than twelve (12) feet.
7. Minimum rear yard. There shall be a rear yard of at least fifty (50) feet.
8. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, but not more than thirty-eight (38) feet in height.
9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E; provided, however, that the habitable floor area devoted to professional office use shall not exceed two-thirds (2/3) of the floor area permitted in § 12.04E for residential use.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Front yard landscaping. Within the front yard area, there shall be no buildings or paving permitted except for driveways, sidewalks and access facilities for persons with disabilities, all of which must be necessary to provide access to buildings and access to parking and delivery areas. All areas in the front yard not used for access shall be landscaped.



- F. **Residential appearance regulations.** All buildings, including new, converted or existing structures shall be residential in exterior appearance. For the purpose of administering this subsection, "residential in exterior appearance" shall mean a building which complies with all of the following requirements:
1. No building elevation along an abutting street shall have an overall dimension that is greater than seventy-six (76) feet.
  2. No building shall have a roof pitch that is less than thirty-three and one-third percent (33.33%).
  3. Not more than one (1) window in each building elevation shall be wider than four (4) feet.
  4. Exterior building materials shall be limited to wood, metal or vinyl clapboard; wood shingle, stone, brick or stucco. This limitation shall not apply to roofs, windows or doors.
  5. Every building elevation that fronts on an abutting street shall have at least one offset of not less than eighteen (18) inches between wall planes facing on said street.
  6. No building shall contain more than one (1) exterior doorway for each building elevation, except where needed to provide access for persons with disabilities.
  7. The habitable floor area of the second floor shall not exceed the habitable floor area of the first floor by more than ten percent (10%).
- G. **Screening of residential properties.** Any premises in the P-1 zone district that is used for a permitted professional office as herein regulated shall be effectively screened on any side which abuts any premises in the P-1 zone district that is used exclusively as a residence, or on any side which abuts any premises in a residential zone district. Said screening shall meet the conditions of the Planning Board or Zoning Board of Adjustment to carry out this objective.
- H. **Mixed residential and non-residential use.** The following regulations shall apply to single-family residential uses on the second and/or third floor in the same structure as a permitted professional office use, in addition to all other applicable regulations of this chapter:
1. Each dwelling unit shall have a minimum habitable floor area of seven hundred and fifty (750) square feet.

2. The habitable floor area devoted to residential use(s) shall not exceed two-thirds (2/3) of the total habitable floor area of the building or structure containing said residential use(s).
3. Parking must be provided for the residential use as required by Article 17.

I. **Other regulations.** In addition to the above requirements, any development in the P-1 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17;
4. the sign provisions of Article 16; and,
5. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings).

**§ 11.21. P-2 PROFESSIONAL OFFICE DISTRICT.**

A. **Principal uses and structures.** [Amended 09-29-09 by Ord. No. 1946] The P-2 zone district is designed for professional offices in which the principal use is a licensed practitioner(s) of certain professions, and in which the use and appearance of the properties are compatible with residential use on adjacent properties or in adjacent zones. The following principal uses and structures shall be permitted in the P-2 zone district:

1. professional offices of licensed practitioner(s) on the first and/or second floors, limited to the following uses:
  - a. offices of medical doctors and licensed clinical psychologists treating the ailments of humans, excluding therefrom clinics or outpatient dispensaries whose principal function is the providing of nursing or convalescent care or the furnishing of narcotic, drug or alcohol abuse treatment; dentists, acupuncturists, chiropractors, and physical therapists;
  - b. lawyers;
  - c. professional engineers, licensed land surveyors, licensed professional planners and other design consultants;
  - d. architects and certified landscape architects; management and public relations services; advertising services;
  - e. accountants; insurance agents, brokers and services; title agencies; business, professional, labor, civic, social and political associations and other membership associations.
2. childcare centers on first and second floors;
3. single-family residential uses in detached single-family structures;
4. two-family residential uses in a single-residential structure designed for two (2) separate dwelling units on the same lot; and,
5. single-family residential uses on the second and/or third floor in the same structure as a permitted professional office use.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the P-2 zone district:

1. parking and parking facilities as regulated in Article 17, including garages for professional office use when used exclusively for parking of motor vehicles;
2. signs as regulated in Article 16;
3. home occupations as regulated in Article 14;
4. antennas, as regulated in § 13.04; and,
5. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the P-2 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. houses of worship;
2. non-profit chartered membership organizations;
3. residential type public utility facilities; and,
4. certain cellular telecommunications antennas as set forth in Article 18.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above permitted uses, professional offices intended to operate or function with an employee or professional present outside of normal business hours on a regular basis are prohibited. For purposes of this subsection, normal business hours shall be construed to be 8:00 a.m. to 10:00 p.m. daily, excluding Sundays. Non-residential use on the third floor is also prohibited.

E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all development within the P-2 zone district, unless more stringent requirements are provided by this ordinance:

1. Minimum lot area. Every lot shall contain a minimum lot area of twelve thousand (12,000) square feet.
2. Minimum lot width. Every lot shall have a minimum lot width of one hundred (100) feet. In addition, the average lot width shall be such that the minimum lot area of twelve

thousand (12,000) square feet shall be provided within one hundred and twenty (120) feet of the front street sideline.

3. Minimum lot frontage. There shall be a minimum lot frontage of one hundred (100) feet for all lots.
4. Minimum lot depth. Every lot shall have a minimum lot depth of one hundred and fifty (150) feet.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a front yard of forty (40) feet.

For corner lots, the front yard shall be as required above for interior lots. The street side yard shall not be less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than twelve (12) feet. Notwithstanding the above requirement, when the side yard in the P-2 zone district abuts a property in any residential zone, said side yard shall be not less than one (1) foot for every foot of height of the building located in the P-2 zone district, but not less than twelve (12) feet.
7. Minimum rear yard. There shall be a rear yard of at least fifty (50) feet.
8. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, but not more than thirty-eight (38) feet in height.
9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E; provided, however, that the habitable floor area devoted to professional office use shall not exceed five-sixths (5/6) of the floor area permitted in § 12.04E for residential use.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.
12. Front yard landscaping. Within the front yard area, there shall be no buildings or paving permitted except for driveways, sidewalks and access facilities for persons with disabilities, all of which must be necessary to provide

access to buildings and access to parking and delivery areas. All areas in the front yard not used for access shall be landscaped.

F. **Residential appearance regulations.** All buildings, including new, converted or existing structures shall be residential in exterior appearance. For the purpose of administering this subsection, "residential in exterior appearance" shall mean a building which complies with all of the following requirements:

1. No building elevation along an abutting street shall have an overall dimension that is greater than seventy-six (76) feet.
2. No building shall have a roof pitch that is less than thirty-three and one-third percent (33.33%).
3. Not more than one (1) window in each building elevation shall be wider than four (4) feet.
4. Exterior building materials shall be limited to wood, metal or vinyl clapboard; wood shingle, stone, brick or stucco. This limitation shall not apply to roofs, windows or doors.
5. Every building elevation that fronts on an abutting street shall have at least one offset of not less than eighteen (18) inches between wall planes facing on said street.
6. No building shall contain more than one (1) exterior doorway for each building elevation, except where needed to provide access for persons with disabilities.
7. The habitable floor area of the second floor shall not exceed the habitable floor area of the first floor by more than ten percent (10%).

G. **Screening of residential properties.** Any premises in the P-2 zone district that is used for a permitted professional office as herein regulated shall be effectively screened on any side which abuts any premises in the P-2 zone district that is used exclusively as a residence, or on any side which abuts any premises in a residential zone district. Said screening shall meet the conditions of the Planning Board or Zoning Board of Adjustment to carry out this objective.

H. **Mixed residential and non-residential use.** The following regulations shall apply to single-family residential uses on the second and/or third floor in the same structure as a permitted professional office use, in addition to all other applicable regulations of this ordinance:

1. Each dwelling unit shall have a minimum habitable floor area of seven hundred and fifty (750) square feet.
  2. The habitable floor area devoted to residential use(s) shall not exceed two-thirds (2/3) of the total habitable floor area of the building or structure containing said residential use(s).
  3. Parking must be provided for the residential use as required by Article 17.
- I. **Other regulations.** In addition to the above requirements, any development in the P-2 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:
1. the general provisions of Article 12;
  2. the regulations affecting accessory buildings, structures and uses in Article 13;
  3. the off-street parking provisions of Article 17;
  4. the sign provisions of Article 16; and,
  5. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings).

**§ 11.22. O-1 OFFICE DISTRICT.**

- A. **Principal uses and structures.** The O-1 zone district is designed for business, administrative and professional offices as permitted herein. The following principal uses and structures shall be permitted in the O-1 zone district: **[Amended 09-29-09 by Ord. No. 1946]**
1. business, administrative and professional offices;
  2. childcare centers; and,
  3. single-family residential uses on the second floor shall be permitted in the same structure as a professional office use.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the O-1 zone district:
1. parking and parking facilities as regulated in Article 17, including garages for office use when used exclusively for parking of motor vehicles;
  2. antennas, as regulated in § 13.04;
  3. signs as regulated in Article 16; and,
  4. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the O-1 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. residential-type public utility facilities; and,
  2. certain cellular telecommunications antennas as set forth in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above permitted uses, offices intended to operate or function with an employee or professional present outside of normal business hours on a regular basis are prohibited. For purposes of this subsection, normal business hours shall be construed to be 8:00 a.m. to 10:00 p.m. daily, excluding Sundays.



E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all uses permitted within the O-1 zone district, unless more stringent requirements are provided by this ordinance:

1. Minimum lot area. Every lot shall contain a minimum lot area of twelve thousand (12,000) square feet.
2. Minimum lot width. Every lot shall have a minimum lot width of one hundred (100) feet. In addition, the average lot width shall be such that the minimum lot area of twelve thousand (12,000) square feet shall be provided within one hundred and twenty (120) feet of the front street sideline.
3. Minimum lot frontage. There shall be a minimum lot frontage of one hundred (100) feet for all lots.
4. Minimum lot depth. Every lot shall have a minimum lot depth of one hundred and fifty (150) feet.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a front yard of forty (40) feet.

For corner lots, the front yard shall be as required above for interior lots. The street side yard shall not be less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than twelve (12) feet. Notwithstanding the above requirement, when the side yard in the O-1 zone district abuts a property in any residential zone, said side yard shall be not less than one (1) foot for every foot of height of the building located in the O-1 zone district, but not less than twelve (12) feet.
7. Minimum rear yard. There shall be a rear yard of at least fifty (50) feet.
8. Maximum building height. No principal building shall exceed the maximum of two (2) habitable floors, exclusive of basement, but not more than thirty (30) feet in height.
9. Maximum coverage by buildings and above-grade structures. No more than twenty-five percent (25%) of the area of any lot shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.

10. Maximum coverage by improvements. No more than fifty percent (50%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that each lot shall have at least fifty percent (50%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.

F. **Screening of residential properties.** Any premises in the O-1 zone district that is used for a permitted office as herein regulated shall be effectively screened on any side which abuts any premises in a residential zone district. Said screening shall meet the conditions of the Planning Board or the Zoning Board of Adjustment to carry out this objective.

G. **Mixed residential and non-residential use.** The following regulations shall apply to single-family residential uses on the second or third floor in the same structure as a professional office use, in addition to all other applicable regulations of this ordinance:

1. Each dwelling unit shall have a minimum finished habitable floor area of seven hundred and fifty (750) square feet.
2. The habitable floor area devoted to residential use(s) shall not exceed one half (1/2) of the total habitable floor area of the building or structure containing said residential use(s).
3. Parking must be provided for the residential use as required by Article 17.

H. **Other regulations.** In addition to the above requirements, any development in the O-1 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17; and,
4. the sign provisions of Article 16.

**§ 11.23. O-2 OFFICE-RESEARCH DISTRICT.**

- A. **Principal uses and structures.** The O-2 zone district is intended to encourage business, administrative and professional offices. The following principal uses and structures shall be permitted in the O-2 zone district:
1. business, administrative and professional offices; and,
  2. childcare centers.
- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the O-2 zone district:
1. parking and parking facilities as regulated in Article 17;
  2. antennas, as regulated in § 13.04;
  3. signs as regulated in Article 16; and,
  4. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the O-2 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. residential type public utility facilities; and,
  2. certain cellular telecommunications antennas as set forth in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above is prohibited.
- E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all uses permitted within the O-2 zone district, unless more stringent requirements are provided by this ordinance:
1. Minimum lot area. Each lot shall have a minimum area of eighty thousand (80,000) square feet.
  2. Minimum lot width. Each lot shall have a minimum width of two hundred (200) feet.
  3. Minimum front yard. For interior lots, there shall be a front yard of not less than seventy-five (75) feet. For

corner lots, the front yard shall be as required for interior lots, and the street side yard shall not be less than fifty (50) feet.

4. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than thirty-five (35) feet.
5. Minimum rear yard. There shall be a rear yard of at least fifty (50) feet.
6. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, but not to exceed forty (40) feet in height, whichever is less.
7. Maximum floor area ratio. The total habitable floor area within all buildings or structures on any lot shall not be more than forty-five percent (45%) of the total lot area.
8. Maximum coverage by buildings and above-grade structures. No more than thirty-five percent (35%) of the area of any lot shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
9. Maximum coverage by improvements. No more than eighty percent (80%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, storage areas, etc. It is the intention of this provision that each lot shall have at least twenty percent (20%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.

F. **Other regulations.** In addition to the above requirements, any development in the O-2 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17; and,
4. the sign provisions of Article 16.

§ 11.24. O-3 OFFICE - RESEARCH DISTRICT. [Repealed 09-29-09 by Ord. No. 1946]

**§ 11.25. CBD CENTRAL BUSINESS DISTRICT.**

- A. **Principal uses and structures.** The CBD zone district is intended to encourage retail sales and personal services oriented to pedestrian shopping on the ground floor, and other commercial activity and residential use on the upper floors. The following principal uses and structures shall be permitted in the CBD zone district:
1. business establishments devoted primarily to the retail sales of goods and personal services on the premises, including restaurants and food establishments intended for food consumption on the premises or for take-out of food;
  2. banks and other financial institutions engaged in the business of accepting deposits from the public and/or extending credit to the public in the form of loans. Such business must be conducted on the premises, and must be the principal activity of the use on the premises;
  3. only on the second or third floors of a building, business, administrative and professional offices or other business establishments providing the following services: **[Amended 09-29-09 by Ord. No. 1946]**
    - a. finance, insurance or real estate sales or services;
    - b. business or professional services;
    - c. health services;
    - d. social services;
    - e. consulting services; and,
    - f. educational services.
  4. museums, art galleries and indoor motion picture theaters, and theaters for conducting live entertainment or cultural performances;
  5. childcare centers;
  6. governmental buildings and municipal parking facilities;
  7. public parks and playgrounds; and,
  8. residential dwelling units on the second or third floors of a building.
- B. **Accessory uses and structures.** **[Amended 8-03-04 by Ord. No. 1838]** The following accessory uses and structures shall be permitted in the CBD zone district:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. antennas, as regulated in § 13.04;
4. sidewalk cafes as permitted and regulated by § 24-46 through § 24-57 of the Town Code; and,
5. other accessory uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the CBD district only if they comply with the appropriate regulations for such uses or structures in Article 18: **[Amended 12-14-04 by Ord. No. 1843]**

1. non-profit chartered membership organizations;
2. residential-type public utility facilities;
3. certain cellular telecommunications antennas as set forth in Article 18; and,
4. age-restricted multi-family housing on the ground floor of a building.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above permitted uses, the following uses shall be specifically prohibited:

1. any business conducted outside the confines of a building, except for sidewalk cafes permitted and regulated by § 24-46 through § 24-57 of the Town Code, and except those temporary activities permitted by special permission from the Town Council; **[Amended 8-03-04 by Ord. No. 1838]**
2. gasoline filling stations, gasoline service stations, public garages, automobile body repair or painting shops;
3. lumber or building material yards;
4. sale, rental or repair of automobiles, motorcycles, boats, trailers, lawn mowers, small gasoline or other liquid fuel engines;
5. dry cleaning establishments where the dry cleaning is done on the premises;

6. warehouses or businesses which do not sell directly to the general public;
7. public or private schools;
8. any building, structure or use involving the sale of food or beverages to be served or consumed on the premises, but outside the confines of the building, except for sidewalk cafes permitted and regulated by § 24-46 through § 24-57 of the Town Code. This prohibition shall include the serving of food from the interior of the building to the exterior through a window or other opening; **[Amended 8-03-04 by Ord. No. 1838]**
9. funeral services, undertakers, crematories and morticians;
10. residential use of any kind other than those uses as permitted in Subsections A and C above. Existing nonconforming residential buildings or structures shall not be extended or enlarged for use relating to a business, unless the first floor is used entirely for business use; **[Amended 12-14-04 by Ord. No. 1843]**
11. all above-ground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by § 13.05. Aboveground or basement storage of up to five hundred and thirty (530) gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;
12. any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community; and,
13. private commercial parking lots as a principal use.

E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all uses permitted within the CBD zone district, unless more stringent requirements are provided by this ordinance:

1. Minimum front yard. No front yard shall be required.
2. Minimum side yard. All principal buildings may be constructed without side yards, except that when a side yard is provided, it shall not be less than ten (10) feet. Notwithstanding the above requirement, when the side yard in the CBD zone district abuts a property in any residential zone, said side yard shall be not less than one



(1) foot for every two (2) feet of height of the building located in the CBD zone district, but not less than ten (10) feet. Within this required side yard, there shall be a buffer at least ten (10) feet deep, within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residentially zoned property.

3. Minimum rear yard. There shall be a rear yard of at least one (1) foot for every two (2) feet of height of the principal building on the lot which is the subject of the application, but not less than ten (10) feet. Notwithstanding the above requirement, the following rear yard regulations shall apply to all properties in the CBD zone district which are used for residential purposes, or which abut a residential zone:

- a. When a building in the CBD zone district is to be used in whole or in part for residential purposes, there shall be a rear yard of not less than thirty-five (35) feet.
- b. When the rear yard in the CBD zone district abuts a property in any residential zone, said rear yard shall be not less than thirty-five (35) feet. Within this required rear yard, there shall be a buffer at least ten (10) feet deep, within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residential property.

4. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, or forty (40) feet in height, whichever is less.

F. **Storefront façade regulations.** The following regulations shall apply to the design of storefront façades in the CBD zone district:

1. Window area. Building façades which face the street shall contain a transparent window area on the ground floor which comprises not less than forty percent (40%) of the area of the ground floor façade, when the following conditions exist or are proposed:
  - a. the façade in question is set back less than ten (10) feet from the right-of-way; and
  - b. a new building, substantial renovation or reconstruction of the street façade of an existing building, or a conditional use as set forth in Subsection C.1 or C.2 above, is proposed.

When an existing building contains more than one (1) unit occupied by different tenants, the above requirement shall apply only for the façade of the unit(s) being renovated or reconstructed. For purposes of administering the above requirements, the ground floor façade area shall be construed to be the product of the width of the façade times ten (10) feet.

2. Awnings. Awnings shall be permitted as regulated by the Town Code.

G. **Mixed residential and non-residential use.** The following regulations shall apply to dwelling units on the second or third floor of a principal building:

1. The habitable floor area devoted to residential use(s) shall not exceed two-thirds (2/3) of the total habitable floor area of the building or structure containing said residential use(s).
2. Any single-dwelling unit shall have a minimum of six hundred (600) square feet of habitable floor area.
3. Parking shall be provided for the residential use as required by Article 17.

H. **Other regulations.** In addition to the above requirements, any development in the CBD zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17; and,
4. the sign provisions of Article 16.

**§ 11.26. GB-1 GENERAL BUSINESS DISTRICT.**

A. **Principal uses and structures. [Amended 5-11-1999 by Ord. No. 1734]** The GB-1 zone district is intended to encourage retail sales and personal services oriented to pedestrian shopping, other commercial uses permitted herein, and residential use on the upper floors. The following principal uses and structures shall be permitted in the GB-1 zone district:

1. business establishments devoted primarily to the retail sales of goods and personal services on the premises, including restaurants and food establishments intended for food consumption on the premises or for take-out of food;
2. banks and other financial institutions engaged in the business of accepting deposits from the public and/or extending credit to the public in the form of loans;
3. business, administrative and professional offices, or other business establishments providing the following services:  
**[Amended 09-29-09 by Ord. No. 1946]**
  - a. finance, insurance or real estate sales or services;
  - b. business or professional services;
  - c. health services;
  - d. social services;
  - e. consulting services; and,
  - f. educational services.
4. museums, art galleries and indoor motion picture theaters, and theaters for conducting live entertainment or cultural performances;
5. childcare centers;
6. governmental buildings and municipal parking facilities;
7. public parks and playgrounds;
8. residential dwelling units on the second or third floors of a building; and,
9. parking areas accessory to a permitted principal use in the GB-1 district but which are located on a different lot than such principal use.

B. **Accessory uses and structures. [Amended 8-03-04 by Ord. No. 1838]** The following accessory uses and structures shall be permitted in the GB-1 zone district:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. antennas, as regulated in § 13.04;
4. sidewalk cafes as permitted and regulated by § 24-46 through § 24-57 of the Town Code; and,
5. other accessory uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the GB-1 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. houses of worship;
2. non-profit chartered membership organizations;
3. residential type public utility facilities; and,
4. certain cellular telecommunications antennas as set forth in Article 18.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above permitted uses, the following uses shall be specifically prohibited:

1. any business conducted outside the confines of a building, except for sidewalk cafes permitted and regulated by § 24-46 through § 24-57 of the Town Code, and except those temporary activities permitted by special permission from the Town Council; **[Amended 8-03-04 by Ord. No. 1838]**
2. gasoline filling stations, gasoline service stations, public garages and automobile body repair or painting shops;
3. lumber or building material yards;
4. sale, rental or repair of automobiles, motorcycles, boats, trailers, lawn mowers, small gasoline or other liquid fuel engines;
5. dry cleaning establishments where the dry cleaning is done on the premises;

6. warehouses or businesses which do not sell directly to the general public;
  7. public or private schools;
  8. any building, structure or use involving the sale of food or beverages to be served or consumed on the premises, but outside the confines of the building, except for sidewalk cafes permitted and regulated by § 24-46 through § 24-57 of the Town Code. This prohibition shall include the serving of food from the interior of the building to the exterior through a window or other opening; **[Amended 8-03-04 by Ord. No. 1838]**
  9. funeral services, undertakers, crematories and morticians;
  10. residential use of any kind other than those uses as permitted in Subsection A above. Existing nonconforming residential buildings or structures shall not be extended or enlarged for use relating to a business, unless the first floor is used entirely for business use;
  11. all aboveground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by § 13.05. Aboveground or basement storage of up to five hundred and thirty (530) gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;
  12. any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community; and,
  13. private commercial parking lots as a principal use.
- E. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all uses permitted within the GB-1 zone district, unless more stringent requirements are provided by this ordinance:
1. Minimum front yard. No front yard shall be required.
  2. Minimum side yard. All principal buildings may be constructed without side yards, except that when a side yard is provided, it shall not be less than ten (10) feet. Notwithstanding the above requirement, when the side yard in the GB-1 zone district abuts a property in any residential zone, said side yard shall be not less than one

(1) foot for every two (2) feet of height of the building located in the GB-1 zone district, but not less than ten (10) feet. Within this required side yard, there shall be a buffer at least ten (10) feet deep, within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residentially zoned property.

3. Minimum rear yard. There shall be a rear yard of at least one (1) foot for every two (2) feet of height of the principal building on the lot which is the subject of the application, but not less than ten (10) feet. Notwithstanding the above requirement, the following rear yard regulations shall apply to all properties in the GB-1 zone district which are used for residential purposes, or which abut a residentially zoned property:

- a. When a building in the GB-1 zone district is to be used in whole or in part for residential purposes, there shall be a rear yard of not less than thirty-five (35) feet.
- b. When the rear yard in the GB-1 zone district abuts a property in any residential zone, said rear yard shall be not less than thirty-five (35) feet. Within this required rear yard, there shall be a buffer at least ten (10) feet deep, within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residential property.

4. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, or forty (40) feet in height, whichever is less.

F. **Storefront façade regulations.** The following regulations shall apply to the design of storefront façades in the GB-1 zone district:

- 1. Window area. Building façades which face the street shall contain a transparent window area on the ground floor which comprises not less than forty percent (40%) of the area of the ground floor façade, when the following conditions exist or are proposed:
  - a. the façade in question is set back less than ten (10) feet from the right-of-way; and,
  - b. a new building, substantial renovation or reconstruction of the street façade of an existing building, or a conditional use as set forth in Subsection C.1 or C.2 above, is proposed.

When an existing building contains more than one (1) unit occupied by different tenants, the above requirement shall apply only for the façade of the unit(s) being renovated or reconstructed. For purposes of administering the above requirements, the ground floor façade area shall be construed to be the product of the width of the façade times ten (10) feet.

2. Awnings. Awnings shall be permitted as regulated by the Town Code.

G. **Mixed residential and non-residential use.** The following regulations shall apply to dwelling units on the second or third floor of a principal building:

1. The habitable floor area devoted to residential use(s) shall not exceed two-thirds (2/3) of the total habitable floor area of the building or structure containing said residential use(s).
2. Any single-dwelling unit shall have a minimum of six hundred (600) square feet of habitable floor area.
3. Parking shall be provided for the residential use as required by Article 17.

H. **Other regulations.** In addition to the above requirements, any development in the GB-1 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17; and,
4. the sign provisions of Article 16.

**§ 11.27. GB-2 GENERAL BUSINESS DISTRICT.**

A. **Principal uses and structures.** The GB-2 zone district is intended to encourage retail and wholesale sales, personal and business services, as well as business, administrative and professional offices. The following principal uses and structures shall be permitted in the GB-2 zone district:

1. business establishments devoted primarily to the retail sales of goods and personal services on the premises, including restaurants and food establishments intended for food consumption on the premises or for take-out of food;
2. banks and other financial institutions engaged in the business of accepting deposits from the public and/or extending credit to the public in the form of loans;
3. business, administrative and professional offices, or other business establishments providing the following services:  
**[Amended 09-29-09 by Ord. No. 1946]**
  - a. finance, insurance or real estate sales or services;
  - b. business or professional services;
  - c. health services;
  - d. social services;
  - e. consulting services; and,
  - f. educational services.
4. museums, art galleries and indoor motion picture theaters, and theaters for conducting live entertainment or cultural performances;
5. childcare centers;
6. wholesale commercial establishments;
7. dry cleaners;
8. governmental buildings and municipal parking facilities;
9. public parks and playgrounds; and,
10. Board of Education administrative offices.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the GB-2 zone district:

1. parking and parking facilities as regulated in Article 17;



2. signs as regulated in Article 16;
3. antennas, as regulated in § 13.04;
4. mobile storage structures as regulated in § 13.03B; and,
5. other accessory uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the GB-2 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. houses of worship;
2. non-profit chartered membership organizations;
3. gasoline filling stations and gasoline service stations;
4. public garages;
5. automatic car washes and drive-through lubricating establishments;
6. automobile body repair shops, and automobile painting facilities licensed by the State of New Jersey;
7. residential-type public utility facilities; and
8. certain cellular telecommunications antennas as set forth in Article 18.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above permitted uses, the following uses shall be specifically prohibited:

1. manufacturing, assembly or fabrication of goods or merchandise;
2. public or private schools;
3. any building, structure or use involving the sale of food or beverages to be served or consumed on the premises, but outside the confines of the building. This prohibition shall include the serving of food from the interior of the building to the exterior through a window or other opening;
4. residential use of any kind;

5. all aboveground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by § 13.05. Aboveground or basement storage of up to five hundred and thirty (530) gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;
6. any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community;
7. used car sales, unless such sales are accessory to the sale of new cars sold within the confines of a building;
8. private commercial parking lots as a principal use; and
9. any business conducted outside the confines of a building, except as may be specifically permitted by this ordinance and except those temporary activities permitted by special permission from the Town Council.

**E. Bulk and lot regulations.**

The following bulk and lot regulations shall apply to all uses permitted within the GB-2 zone district, unless more stringent requirements are provided by this ordinance:

1. Minimum front yard. There shall be a minimum front yard equal to the height of the principal building, but not less than fifteen (15) feet in depth. Notwithstanding this requirement, where existing buildings on the same side of the street form an established front yard depth which is greater than fifteen (15) feet, the minimum front yard on the subject property shall be the same as said established front yard. If such established front yard depth varies, the dimension to be used in administering the above minimum front yard requirement shall be equal to the average depth of the established front yards. For purposes of administering this subsection, the properties used for determining said established front yard depth shall be located, in whole or in part, within two hundred (200) feet of the subject property measured along the street right-of-way line, and must be on the same side of the street, in the same block and in a zone district with the same front yard requirement.
2. Minimum side yard. There shall be two (2) side yards and no side yard shall be less than ten (10) feet notwithstanding

the above requirement, when the side yard in the GB-2 zone district abuts a property in any residential zone, said side yard shall be not less than one (1) foot for every two (2) feet of height of the building located in the GB-2 zone district, but not less than ten (10) feet. Within this required side yard, there shall be a buffer at least ten (10) feet deep, within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residential zone.

3. Minimum rear yard. There shall be a rear yard of at least one (1) foot for every two (2) feet of height of the principal building on the lot which is the subject of the application, but not less than ten (10) feet. Notwithstanding the above requirement, when the rear yard in the GB-2 zone district abuts a property in any residential zone, said rear yard shall be not less than thirty-five (35) feet. Within this required rear yard, there shall be a buffer at least ten (10) feet deep, within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residential zone.
4. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, or forty (40) feet in height, whichever is less.
5. Maximum coverage by buildings and above-grade structures. No more than forty percent (40%) of the area of any lot shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
6. Maximum coverage by improvements. No more than ninety percent (90%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, storage areas, etc. It is the intention of this provision that each lot shall have at least ten percent (10%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.
7. Front yard landscaping. **Deleted. [Amended 09-11-12 by Ord. No. 1991]**

F. **Other regulations.** In addition to the above requirements, any development in the GB-2 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17; and,
4. the sign provisions of Article 16.

**§ 11.28. GB-3 GENERAL BUSINESS DISTRICT.**

A. **Principal uses and structures.** The GB-3 zone district is intended to encourage retail sale personal and business services, as well as business, administrative and professional offices that are compatible with residential use on adjacent properties or in adjacent zones. The following principal uses and structures shall be permitted in the GB-3 zone district:

1. business establishments on the first and/or second floor devoted primarily to the retail sales of goods and personal services on the premises, including restaurants and food establishments intended for food consumption on the premises or for take-out of food;
2. on the first and/or second floor, business, administrative and professional offices or business establishments providing the following services: **[Amended 09-29-09 by Ord. No. 1946]**
  - a. finance, insurance or real estate sales or services;
  - b. business or professional services;
  - c. health services;
  - d. social services;
  - e. consulting services; and,
  - f. educational services.
3. childcare centers on the first and/or second floor;
4. single-family residential uses in detached single-family structures;
5. two-family residential uses in a single structure on the same lot; **[Amended 09-29-09 by Ord. No. 1946]**
6. dwelling units on the second and/or third floor in the same structure as a permitted non-residential use; **[Amended 09-29-09 by Ord. No. 1946]** and,
7. public parks and playgrounds. **[Amended 09-29-09 by Ord. No. 1946]**

B. **Accessory uses and structures.** **[Amended 09-29-09 by Ord. No. 1946]** The following accessory uses and structures shall be permitted in the GB-3 zone district:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;

3. home occupations as regulated in Article 14;
4. antennas, as regulated in § 13.04; and,
5. other accessory uses and structures customarily subordinate and incidental to a permitted principal use and permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the GB-3 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. houses of worship;
2. non-profit chartered membership organizations;
3. gasoline filling stations and gasoline service stations;
4. public garages;
5. residential type public utility facilities; and,
6. certain cellular telecommunications antennas as set forth in Article 18.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above permitted uses, the following uses shall be specifically prohibited:

1. any business conducted outside the confines of a building except those temporary activities permitted by special permission from the Town Council;
2. automatic car washes, drive-through lubricating establishments and automobile body repair and painting shops;
3. lumber or building material yards;
4. sale, rental or repair of automobiles, motorcycles, boat trailers, lawn mowers, small gasoline or other liquid fuel engines, unless specifically permitted;
5. dry cleaning establishments where the dry cleaning is done on the premises;
6. warehouses or businesses which do not sell directly to the general public;
7. public or private schools;

8. any building, structure or use involving the sale of food or beverages to be served or consumed on the premises, but outside the confines of the building. This prohibition shall include the serving of food from the interior of the building to the exterior through a window or other opening;
9. residential use of any kind other than those uses as permitted in Subsection A above. Existing nonconforming residential buildings or structures shall not be extended or enlarged for use relating to a business, unless the first floor is used entirely for business use;
10. any non-residential use on the third floor;
11. all aboveground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by § 13.05. Aboveground or basement storage of up to five hundred and thirty (530) gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;
12. any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community; and,
13. private commercial parking lots as a principal use.

E. **Bulk regulations for non-residential uses and structures.** The following bulk regulations are required for all non-residential uses and structures, as well as for residential uses in buildings as permitted in paragraph A.6 above, provided that the ground floor is used or designed for use by a non-residential activity:

1. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a front yard of forty (40) feet.

For corner lots, the front yard shall be as required above for interior lots. The street side yard shall not be less than twenty (20) feet.

2. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than five (5) feet in width, or one-third (1/3) of the height of the principal building, whichever is greater, provided that no principal building shall be located closer than ten (10) feet from a principal building on an adjacent property. When the side yard in the GB-3

zone district abuts a residential use or property in any residential zone, said side yard shall contain a buffer within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residential use or residentially zoned property.

3. Minimum rear yard. There shall be a rear yard of at least one (1) foot for every two (2) feet of height of the principal building on the lot which is the subject of the application, but not less ten (10) feet. Notwithstanding the above requirement, when the rear yard in the GB-3 zone district abuts a residential use or property in any residential zone, said rear yard shall be not less than thirty-five (35) feet. Within this required rear yard, there shall be a buffer at least ten (10) feet deep, within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residential property.
4. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, or forty (40) feet in height, whichever is less.
5. Maximum coverage by buildings and above-grade structures. No more than thirty percent (30%) of the area of any lot shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
6. Maximum coverage by improvements. No more than seventy percent (70%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, storage areas, etc. It is the intention of this provision that each lot shall have at least thirty percent (30%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.
7. Front yard landscaping. **Deleted. [Amended 09-11-12 by Ord. No. 1991]** Within the front yard area, there shall be no buildings or paving permitted except for driveways and sidewalks which are necessary to provide access to buildings and access to parking and delivery areas. All areas in the front yard not used for access shall be landscaped, except for any accessory structures permitted by this ordinance.



F. **Bulk and lot regulations for single-family and two-family residential uses and structures.** The following bulk and lot regulations shall apply to single-family residential uses in a detached single-family dwelling, and to two-family residential uses, as permitted in paragraphs A.4 and A.5 above:

1. Minimum lot area. Every lot containing a single-family residential use in a detached single-family dwelling shall contain a minimum lot area of six thousand (6,000) square feet. Every lot containing a two-family residential use in a two-family attached residential dwelling shall contain a minimum lot area of eight thousand (8,000) square feet.
2. Minimum lot width.
  - a. Single-family detached dwellings. Every lot containing a single-family residential use in a detached single-family dwelling shall contain a minimum lot width of fifty (50) feet. In addition, the average width of the lot shall be such that there is a minimum lot area of at least six thousand (6,000) square feet within one hundred and twenty (120) feet of the front street sideline.
  - b. Two-family dwellings. Every lot containing a two-family residential use in a two-family attached residential dwelling shall contain a minimum lot width of sixty (60) feet. In addition, the average width of the lot shall be such that there is a minimum lot area of at least eight thousand (8,000) square feet within one hundred and thirty-four (134) feet of the front street sideline.
3. Minimum lot frontage.
  - a. Single-family detached dwellings. Every lot containing a single-family residential use in a detached single-family dwelling shall have a minimum lot frontage of fifty (50) feet.
  - b. Two-family dwellings. Every lot containing a two-family residential use in a two-family attached residential dwelling shall have a minimum lot frontage of sixty (60) feet.
4. Minimum lot depth. There shall be a minimum lot depth of one hundred and twenty (120) feet for all lots.
5. Front yard. The front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E. In the event there is no established front yard depth, there shall be a front yard of forty (40) feet. For corner lots, the required front yard shall be as provided above for interior

lots. The required street side yard shall not be less than twenty (20) feet.

6. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and no side yard shall be less than five (5) feet in width, or one-third (1/3) of the height of the principal building, whichever is greater, provided that no principal building shall be located closer than ten (10) feet from a principal building on an adjacent property.
7. Minimum rear yard. There shall be a rear yard of at least one (1) foot in depth for every two (2) feet of height of the principal building on the lot which is the subject of the application, but not less ten (10) feet. Notwithstanding the above requirement, when the rear yard in the GB-3 zone district abuts a residential use or property in any residential zone, said rear yard shall be not less than thirty-five (35) feet.
8. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, but not more than thirty-eight (38) feet in height.
9. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in § 12.04E.
10. Maximum coverage by buildings and above-grade structures. The maximum coverage by buildings and above-grade structures shall be as set forth in § 12.04F.
11. Maximum coverage by improvements. The maximum coverage by improvements shall be as set forth in § 12.04G.

G. **Mixed residential and non-residential use. [Amended 08-03-04 by Ord. No. 1840]** The following regulations shall apply to mixed residential and non-residential uses in the same building, in addition to all other applicable regulations of this ordinance:

1. Minimum lot area. There area of the lot shall be not less than ten thousand (10,000) square feet.
2. Minimum lot width. There width of the lot shall be not less than sixty (60) feet.
3. Minimum lot depth. The depth of the lot shall be not less than one hundred and twenty (120) feet.
4. Minimum front yard. The depth of the front yard shall conform to the established front yard depth as set forth in § 12.03C, D and E.

For corner lots, the required front yard shall be as provided above for interior lots. The depth of the street side yard shall not be less than twenty (20) feet.

5. Minimum side yard. Except as provided above for corner lots, there shall be two (2) side yards and the depth of each side yard shall be not less than five (5) feet, or one third ( $1/3$ ) of the height of the principal building, whichever is greater, provided that no principal building shall be located closer than ten (10) feet from a principal building on an adjacent property.
6. Minimum rear yard. There depth of the rear yard shall be not less than ten (10) feet, or one half ( $1/2$ ) of the height of the principal building on the lot that is the subject of the application, whichever is greater.
7. Maximum building height. The height of the principal building shall not exceed three (3) floors, exclusive of basement, but not more than thirty-eight (38) feet.
8. Maximum floor area ratio. The habitable floor area of all buildings shall not exceed fifty percent (50%) of the lot area.
9. Maximum density. The density shall not exceed one (1) dwelling unit for each three thousand three hundred and fifty (3,350) square feet of lot area, and further provided, no more than twelve (12) dwelling units shall be permitted on a lot, regardless of the lot area.
10. Maximum coverage by buildings and above-grade structures. The coverage by buildings and above-grade structures shall not exceed thirty percent (30%) of the lot area.
11. Maximum coverage by improvements. The coverage by improvements shall not exceed seventy percent (70% of the lot area).
12. Maximum residential/nonresidential use ratio. The habitable floor area devoted to residential use(s) shall not exceed two-thirds ( $2/3$ ) of the total habitable floor area of the building or structure containing said residential use(s).
13. Minimum floor area per dwelling unit. Any single-dwelling unit shall have a minimum habitable floor area of six hundred (600) square feet, plus two hundred (200) square feet for each bedroom in excess of one bedroom.
14. Parking. Parking must be provided for the residential use as required by Article 17.

15. Residential stairs and elevators. Notwithstanding the limitation in § 11.28A.6 restricting residential use to the second and third floors of a mixed use building, there shall be permitted on the first/ground floor a stair or stairs and/or elevator serving the dwelling units on the upper floors.

H. **Other regulations.** In addition to the above requirements, any development in the GB-3 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17;
4. the sign provisions of Article 16; and,
5. the architectural design provisions of § 12.11B (new developments containing at least two (2) new dwellings).

**§ 11.29. C COMMERCIAL DISTRICT.**

A. **Principal uses and structures.** The C zone district is designed for limited industrial and manufacturing uses, but also retail and wholesale sales, personal and business services, and business, administrative and professional offices. The following principal uses and structures shall be permitted in the C zone district:

1. limited industrial and manufacturing uses conforming with the performance standards of § 12.15;
2. scientific and research facilities limited to those uses which meet all of the following descriptions:
  - a. all aspects of the use, other than parking, shipping, and deliveries, are carried on within the principal building on the site; and,
  - b. the total habitable floor area does not exceed eighty thousand (80,000) square feet.
3. business establishments devoted primarily to the retail sales of goods and personal services on the premises, including restaurants and food establishments intended for food consumption on the premises or for take-out of food;
4. wholesale commercial establishments;
5. warehouses or storage buildings;
6. dry cleaners, including but not limited to establishments where the dry cleaning is performed on the premises;
7. banks and other financial institutions engaged in the business of accepting deposits from the public and/or extending credit to the public in the form of loans;
8. business, administrative and professional offices, or other business establishments providing the following services:
  - a. finance, insurance or real estate sales or services;
  - b. business or professional services;
  - c. health services;
  - d. social services;
  - e. consulting services;
9. museums, art galleries and indoor motion picture theaters, and theaters for conducting live entertainment or cultural performances;

10. childcare centers;
11. governmental buildings and municipal parking facilities;
12. public parks and playgrounds; and,
13. Board of Education administrative offices.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the C zone district:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. antennas as regulated in § 13.04;
4. mobile storage structures as regulated in § 13.03B; and
5. other accessory uses and structures customarily subordinate and incidental to permitted principal use and permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the C district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. facilities of non-profit charter membership organizations and the offices of charitable organizations;
2. gasoline filling stations and gasoline service stations;
3. public garages;
4. automatic car washes and drive-through lubricating establishments;
5. automobile body repair shops and automobile painting facilities;
6. lumber, building material and garden center sales;
7. residential-type public utility facilities;
8. industrial-type public utility facilities; and,
9. certain cellular telecommunications antennas as set forth in Article 18.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above

permitted uses, the following uses shall be specifically prohibited:

1. public or private schools;
2. residential use of any kind;
3. used car sales, unless such sales are accessory to the sale of new cars sold within the confines of a building;
4. private commercial parking lots as a principal use;
5. trucking terminals;
6. any business conducted outside the confines of a building, except as may be specifically permitted by this ordinance and except those temporary activities permitted by special permission from the Town Council;
7. any building, structure or use involving the sale of food or beverages to be served or consumed on the premises, but outside the confines of the building. This prohibition shall include the serving of food from the interior of the building to the exterior through a window or other opening;
8. all aboveground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by § 13.05 and § 13.06. Aboveground or basement storage of up to five hundred and thirty (530) gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;
9. petroleum refining and related industries;
10. commercial incineration, junk yards, or rubbish, garbage or trash dumps; and
11. any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community.

**E. Bulk and lot regulations.**

The following bulk and lot regulations shall apply to all uses permitted within the C zone district, unless more stringent requirements are provided by this ordinance:

1. Minimum front yard. There shall be a minimum front yard of ten (10) feet.

2. Minimum side yard. There shall be two (2) side yards, and no side yard shall be less than twelve (12) feet.
3. Minimum rear yard. There shall be a minimum rear yard of ten (10) feet.
4. Maximum building height. No principal building shall exceed the maximum of two (2) habitable floors, exclusive of basement, but not more than forty (40) feet in height.

F. **Other regulations.** In addition to the above requirements, any development in the C zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17; and,
4. the sign provisions of Article 16.



§ 11.30. [Introduced on first reading 04-23-13 by Ord. No. 2002. Not adopted.]

**§11.31 NA-AH North Avenue Affordable Housing Transit Oriented Development District. [Amended 05-07-13 by Ord. No. 2002]**

- A. **Purpose and Intent.** The purpose of this article is to supplement Article 11 of the Code of the Town of Westfield in such a manner as to provide for the realistic opportunity for the development of affordable housing for households of low and moderate income, as required by Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and consistent with the 2013 HPE&FSP. These regulations are intended to implement the 2013 HPE&FSP.
- B. **Applicability and re-zoning.** These regulations shall apply to the following properties: Block 3305, Lots 4 and 5, as shown on the Official Tax Maps of the Town of Westfield, and which shall be designated as NA-AH on the Zoning Map of the Town of Westfield.
- C. **Principal uses and structures.** The following principal uses and structures shall be permitted in the NA-AH zone district:
1. multi-family residences as defined in Article 2;
  2. single-family residential uses in attached single-family residential structures, also known as townhouses; and,
  3. private open space, private and public parks and playgrounds.
- D. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the NA-AH zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. antennas, as regulated in § 13.04; and,
  4. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- E. **Conditional uses and structures.** Residential-type public utility facilities shall be permitted in the NA-AH district subject to compliance with the applicable regulations for such uses or structures in Article 18.
- F. **Prohibited uses and structures.** Any uses or structures, other than those uses or structures permitted in subsection C through E above, are prohibited.

- G. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all developments within the NA-AH zone district:
1. Minimum tract area. There shall be a minimum tract area of one (1) acre.
  2. Minimum front yard. There shall be a front yard of not less than forty (40) feet.
  3. Minimum side yard and rear yard. No building containing dwelling units shall be closer than twenty (20) feet to any side property line or closer to any rear property line than thirty-five (35) feet.
  4. Minimum lot frontage and lot width. There shall be a minimum lot frontage and lot width of two hundred fifty (250) feet for multi-family residences and a lot frontage of two hundred fifty (250) feet and lot width of fifteen (15) feet for townhouses.
  5. Maximum density. The maximum density for development comprised of residential units intended for sale shall be fifteen (15) dwelling units per acre. The maximum density for development comprised of residential units intended for rent shall be sixteen (16) units per acre.
  6. Affordable housing set aside. At least twenty percent (20%) of the units constructed shall be sold or rented at rates affordable to low, very low and moderate income limits in accordance with the state's Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site.
  7. Maximum building height. No principal building shall exceed three (3) habitable floors, exclusive of basement, but not more than thirty-five (35) feet in height. No accessory building shall exceed one (1) story in height.
  8. Minimum distance between buildings. Between buildings containing dwelling units, the following minimum distances shall apply:
    - a. for multi-family buildings, one (1) foot for every two (2) feet of combined building height.
    - b. for townhouse-style buildings:
      - i. facing front-to-front, a minimum setback of sixty (60) feet separated by an open court and said court shall not contain any accessory building;

- ii. facing rear-to-rear, a minimum setback of sixty (60) feet;
  - iii. facing front-to-side, a minimum setback of forty (40) feet; and,
  - iv. no rear of one townhouse building shall face the front of another townhouse building.
9. Maximum coverage by buildings and above-grade structures. No more than twenty-five (25%) of the area of any lot shall be covered by multi-family buildings and above-grade structures; provided, however, that no more than thirty-five percent (35%) of the area of any lot shall be covered by townhouse-style buildings and above-grade structures provided, however, that such coverage may be increased to thirty-seven percent (37%) when at least two percent (2%) of such coverage of the lot is by a deck or decks. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
10. Maximum coverage by improvements. No more than seventy percent (70%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that each lot shall have at least thirty percent (30%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.
11. Maximum dwelling units per building. No townhouse building shall contain more than nine (9) dwelling units. No multi-family residential building shall contain more than twelve (12) dwelling units. For purposes of administering this section, where buildings containing dwelling units are connected by a structure which does not contain dwelling units (by example a covered walkway, a portico or covered driveway), each building containing dwelling units shall be considered a separate building.
12. Maximum continuous wall length. The longest dimension of any continuous exterior wall of any building shall not be greater than fifty (50) feet. For the purpose of administering this provision, any exterior wall that is offset for a depth of four (4) feet or greater shall be construed as a separate wall.

H. **Other regulations.** The following other regulations shall apply to multi-family residences and townhouse attached residences within the NA-AH zone district.

1. Design Considerations. The development of the properties within this zone presents an opportunity to implement the best development and sustainable practices promoted by the New Jersey Office of State Planning. Development within this TOD zone shall promote transit-friendly improvements as outlined in the Town Land Use Element of its Master Plan and identified below:
  - a. Off-site improvements as determined necessary to provide safe and appropriate pedestrian access to the Westfield community rail train station.
  - b. Environmental sustainability in the development of these properties may include recycling of demolition materials, implementation of measures to conserve and protect water resources, minimizing waste and pollutants of all kinds, maximizing energy efficiently in construction materials and household appliances, and expansion of the urban forest through on-site landscaping.
2. Townhouse façade variation. In order to avoid excessive visual monotony, the front and rear façade of each townhouse dwelling unit shall be substantially different in appearance from the façade of adjacent dwelling units. The façade variation as required herein shall be accomplished by the use of different materials, textures or colors, or any combination thereof; provided that the façade designs shall avoid excessive variety or contrast. The use of materials, textures and colors shall be harmonious and compatible throughout the entire development.
3. Compatible architecture. The design of accessory buildings and structures, including the nature of building materials used, shall be substantially the same as used in the construction of principal buildings on the same site designed to be used for multi-family residences or single-family attached residences.
4. Use of accessory buildings. No part of any accessory building or structure shall be used for living purposes.
5. Pre-existing uses. The use(s) existing on the property, at the time of adoption of this ordinance, are permitted to continue. The uses are permitted to be demolished, rebuilt and modified in accordance with the prior zoning standards that were in effect at the time of this rezoning. No change of use shall otherwise occur except in strict conformance with this ordinance.

6. Affordability regulations. All inclusionary developments in the NA-AH zone district shall comply with all applicable affordable housing regulations of Article 23 of the Land Use Ordinance and all affordable housing constructed in the NA-AH zone district shall be constructed, marketed, sold and/or rented in accordance with the New Jersey Uniform Housing Affordability Controls (UHAC) set forth in N.J.A.C. 5:80-26.1 et seq. and N.J.A.C. 5:97-1 et seq.
7. General provisions, parking and loading. In addition to the above requirements, all development in the NA-AH zone district shall comply with all other applicable provisions of the Land Use Ordinance, including but not limited to the general provisions of Article 12; and the off-street parking provisions of Article 17.

I. **Effective Date.** The within new Article 11.31 of the Land Use Ordinance shall not become effective until: (1) proper passage and publication in accordance with law; (2) entry by the Superior Court of New Jersey of a Final Judgment of Compliance and Repose in litigation entitled Sunnyside Senior Housing of Westfield, LLC v. Town of Westfield, et al., Docket No. UNN-L-135-09, and (3) the expiration of the 45-day appeal period without an appeal of the Judgment of Compliance and Repose having been filed.

**§11.32 NS-AMFH New Street Affordable Multi-Family Housing Transit Oriented Development District. [Amended 05-07-13 by Ord. No. 2003]**

- A. **Purpose and Intent.** The purpose of this article is to supplement Article 11 of the Code of the Town of Westfield in such a manner as to provide for the realistic opportunity for the development of affordable housing for households of low and moderate income, as required by Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and consistent with the 2013 HPE&FSP. These regulations are intended to implement the 2013 HPE&FSP.
- B. **Applicability and re-zoning.** These regulations shall apply to the following properties:
- Block 3208, Lots 1.02 and 2, and Block 3207, Lots 1, 2, 3, 4, 5 and 6, all as shown on the Official Tax Map of the Town of Westfield, and which shall be designated as NS-AMFH on the Zoning Map of the Town of Westfield.
- C. **Principal uses and structures.** The following principal uses and structures shall be permitted in the NS-AMFH zone district:
1. multi-family residences as defined in Article 2; and,
  2. private open space, private and public parks and playgrounds.
- D. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the NS-AMFH zone:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. antennas, as regulated in § 13.04; and,
  4. accessory uses and structures customarily subordinate and incidental to permitted principal uses and accessory uses and structures customarily subordinate and incidental to permitted conditional uses.
- E. **Conditional uses and structures.** Residential-type public utility facilities shall be permitted in the NS-AMFH district subject to compliance with the applicable regulations for such uses or structures in Article 18.
- F. **Prohibited uses and structures.** Any uses or structures, other than those uses or structures permitted in subsection C through E above, are prohibited.

G. **Bulk and lot regulations.** The following bulk and lot regulations shall apply to all developments within the NS-AMFH zone district:

1. Minimum tract area. There shall be a minimum tract area of one-half (0.5) acre.
2. Minimum front yard. The minimum front yard setback shall be twenty (20) feet plus one (1) foot for every one and one-half (1.5) feet of building height over thirty (30) feet.
3. Minimum street side yard. The minimum street side yard setback shall be fifteen (15) feet or when the subject property abuts a county or state highway, the minimum setback shall be twenty (20) feet plus one (1) foot for every one and one-half (1.5) feet of building height over thirty (30) feet.
4. Minimum side yard and rear yard. No building containing dwelling units shall be closer to any side property line than fifteen (15) feet or closer to any rear property line than twenty-five (25) feet.
5. Maximum density. The maximum density for development comprised of residential units intended for sale shall be fifteen (15) units per acre. The maximum density for development comprised of residential units intended for rent shall be sixteen (16) units per acre. Maximum Density shall be measured based upon the comprehensive design of the total average of dwelling units contained on the site and not based upon individual lots that make up the overall development.
6. Affordable housing set aside. At least twenty percent (20%) of the units constructed shall be sold or rented at rates affordable to low, very low and moderate income limits in accordance with the state's Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site.
7. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, but not more than forty (40) feet in height. No accessory building shall exceed one (1) story in height.
8. Minimum distance between buildings. Between buildings containing dwelling units, the minimum distance shall not be less than one (1) foot for every three (3) feet of combined building height.
9. Maximum coverage by buildings and above-grade structures. No more than thirty percent (30%) of the area of any lot shall be covered by multi-family buildings and above-grade



structures. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.

10. Maximum coverage by improvements. No more than seventy percent (70%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that at least thirty percent (30%) of the lot area shall not have any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.
11. Maximum dwelling units per building. No multi-family residential building shall contain more than sixteen (16) dwelling units. For purposes of administering this section, where buildings containing dwelling units are connected by a structure which does not contain dwelling units (by example, a covered walkway, portico or covered driveway), each building containing dwelling units shall be considered a separate building.
12. Maximum continuous wall length. The longest dimension of any continuous exterior wall of any building shall not be greater than fifty (50) feet. For the purpose of administering this provision, any exterior wall that is offset for a depth of four (4) feet or greater shall be construed as a separate wall.

H. **Other regulations.** The following other regulations shall apply to multi-family residences and single-family attached residences within the NS-AMFH zone district:

1. Design Considerations. The development of the properties within the zone presents an opportunity to implement the best development and sustainable practices promoted by the New Jersey Office of State Planning. Development within this TOD zone shall promote transit-friendly improvements as outlined in the Town Land Use Element of its Master Plan and identified below:
  - a. Off-site improvements as determined necessary to provide safe and appropriate pedestrian access to the Westfield community rail train station.
  - b. Environmental sustainability in the development of these properties may include recycling of demolition materials, implementation of measures to conserve and protect water resources, minimizing waste and pollutants of all kinds, maximizing energy efficiency in construction materials and household appliances,

and expansion of urban forest through on-site landscaping.

2. Use of accessory buildings. No part of any accessory building or structure shall be used for living purposes.
  3. Screening. Wherever development in the NS-AMFH zone abuts an adjoining property that has located thereon a single-family detached or two-family dwelling, there shall be a screened buffer by landscaping or other means as approved by the Planning Board to effectively screen the higher density development from view.
  4. Affordability regulations. Any inclusionary developments in the NS-AMFH zone district must comply with all applicable regulations of the affordable housing regulations of Article 23 and all affordable housing constructed as a part of this ordinance shall be constructed, marketed, sold and/or rented in accordance with New Jersey Uniform Housing Affordability Controls (UHAC) NJAC 5:80-26.1 et seq. and COAH regulations NJAC 5:97-1 et seq.
  5. General provisions, parking and loading. In addition to the above requirements, any development in the NS-AMFH zone district shall comply with all applicable provisions of this ordinance and the general provisions of Article 12; the off-street parking provisions of the Residential Site Improvement Standards and Article 17; and the affordable housing provisions of Article 23.
- I. **Effective Date.** The within new Article 11.32 of the Land Use Ordinance shall not become effective until: (1) proper passage and publication in accordance with law; (2) entry by the Superior Court of New Jersey of a Final Judgment of Compliance and Repose in litigation entitled Sunnyside Senior Housing of Westfield, LLC v. Town of Westfield, et al., Docket No. UNN-L-135-09, and (3) the expiration of the 45-day appeal period without an appeal of the Judgment of Compliance and Repose having been filed.

**§11.33 RA-5C Multi-Family Residence. [Amended 05-07-13 by Ord. No. 2004]**

- A. **Principal permitted uses and structures.** The permitted principal uses and structures within the RA-5C Multi-Family Residence District shall be limited to multi-family residences as defined in Article 2, with all units to be under the condominium form of ownership and the four affordable units shall be rental.
- B. **Applicability and re-zoning.** These regulations apply to the following property: Block 3905, Lot 27.
- C. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the RA-5C Multi-Family Residence District:
1. signs, in accordance with Town Codes and regulations;
  2. private roads, driveways and visitor parking as regulated herein; and,
  3. fences and walls, in accordance with Town Codes and regulations.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A or B above are prohibited.
- E. **Affordable housing set aside.** At least fifteen percent (15%) of the units constructed shall be rented at rates affordable to low, very low and moderate income limits in accordance with the state's Uniform Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site.
- F. **Affordability regulations.** Any inclusionary development in the RA-5C zone district must comply with all applicable regulations of the affordable housing regulations of Article 23 and all affordable housing constructed as a part of this ordinance shall be constructed, marketed, sold and/or rented in accordance with New Jersey Uniform Housing Affordability Controls (UHAC) NJAC 5:80-26.1 et seq. and COAH regulations NJAC 5:97-1 et seq.
- G. **Bulk and lot regulations.** The following bulk and lot regulations apply to all development within the RA-5C Multi-Family Residence District:
1. Minimum lot area. There shall be a minimum lot area of 60,000 square feet.
  2. Minimum lot frontage. There shall be a minimum lot frontage of ninety-five (95) feet.

3. Minimum front yard. There shall be a minimum front yard setback of forty (40) feet.
4. Minimum side yard. No dwelling unit shall be closer to the side yard than ten (10) feet from the west property line and forty-seven (47) feet from the east property line.
5. Minimum rear yard. No dwelling unit shall be closer to the rear yard than thirty-five (35) feet.
6. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors and thirty-three and one-half (33.5) feet.
7. Maximum coverage by improvements. No more than sixty-eight percent (68%) of the area of the lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to sidewalks, parking areas, patios, driveways, etc. provided, however, that such coverage may be increased to seventy percent (70%) when at least two percent (2%) consists of sidewalks, patios or grass pavers. It is the intention of this provision that the lot shall have at least thirty percent (30%) of its lot area without any improvements except vegetation.
8. Maximum coverage by buildings and above-grade structures. No more than twenty-nine percent (29%) of the area of any lot shall be covered by buildings and above-grade structures.
9. Minimum distance between buildings. Between buildings containing dwelling units, the following minimum distances shall apply: end wall to end wall - fifteen (15) feet.
10. Maximum density. No more than twenty-four (24) units shall be constructed on-site, at a gross density not to exceed 16.5 units per acre.
11. Minimum buffer. A buffer in the form of landscaping, walls and fences as may be approved by the Planning Board shall be provided by the developer of any multi-family residential use which abuts a property located in a single-family residential zone. Trees and shrubs used in a buffer shall be at least five (5) feet high at the time of planting. Buffers shall be protected from impact by motor vehicles, and from the negative effects of road salt and snow plowing. A granite block curb shall separate buffers from vehicle use areas.
12. Screening of parking. Parking shall be screened by landscape plantings in unison with fences and walls in sufficient quantity when a parking area for multi-family

residential use abuts an existing single-family residential use.

13. Site improvements. On-site improvements shall be determined by applying the minimum Residential Site Improvement Standards (RSIS) to provide an eighteen (18) foot residential driveway length and a residential access parallel parking low intensity cartway width of twenty-eight (28) feet with a grasscrete turnaround provided. In any area of the site where parking is provided within the twenty-eight (28) foot cartway, there shall be provided a traveled way of not less than twenty-one (21) feet in width. The width of any parking lane located within the cartway shall be seven (7) feet, all as provided by applicable RSIS standards.
  14. Parking. RSIS parking standards shall be exceeded to provide a combination of garage and driveway spaces as follows: (a) One bedroom unit - one garage space and one driveway space; (b) two-bedroom unit - one- or two-car garage spaces and two driveway spaces; (c) three-bedroom unit - one garage space and one driveway space, with thirteen parallel parking visitor spaces.
  15. Unit mix. There shall be provided one (1) bedroom unit, twenty-two (2) bedroom units, and one three bedroom unit.
  16. Applications in the Multi-Family RA-5C Multi-Family Residential District shall not be subject to review by the Architectural Review Committee.
  17. Applications in the Multi-Family RA-5C Multi-Family Residential District shall connect to existing sanitary sewer and storm sewer systems.
  18. Garbage and recycling collection shall be provided as determined by the Planning Board.
- H. **Effective date.** The within new Article 11.33 of the Land Development Ordinance shall not become effective until: (1) proper passage and publication in accordance with law; (2) entry by the Superior Court of New Jersey of a Judgment of Compliance and Repose in litigation entitled Sunnyside Senior Housing of Westfield, LLC v. Town of Westfield, et al., Docket No. UNN-L-135-09, and (3) the expiration of the 45-day appeal period without an appeal of the Judgment of Compliance and Repose having been filed.